

Practitioner Perspectives

Supporting Care Leavers to Access Records

Kate Roach, Trish Scott, Kelly Ulugan and Megan Parker, Barnardo's Making Connections

Barnardo's has one of the largest collections of archives and records about children in the world, dating from the 1870s to the present day. This includes thousands of files and photographs of individual children and young people who were looked after by the charity, either in children's homes or foster care.

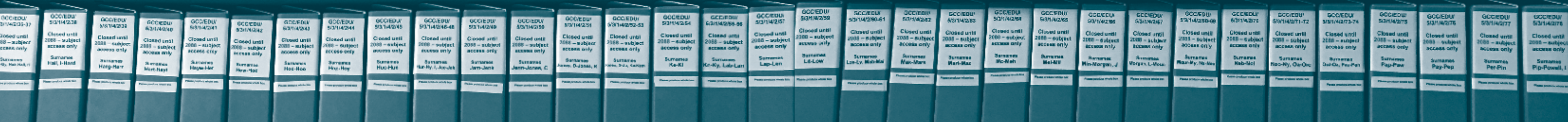
Since 1995 Barnardo's has provided a dedicated service to support care leavers and adopted people to access their records. Hundreds of requests are received each year. The service goes beyond the 'subject access' requirements under Data Protection legislation, providing people with one-to-one support from specially trained access-to-records workers. A tracing service is also offered, which helps to connect people with birth family and former carers, as well as a family history service for descendants.

A core principle of Making Connections is to support people to access their records in a way that is right for them and their circumstances. This acknowledges the unique and emotional relationship that care leavers have with their records, as well as the impact of remembering and revisiting childhood trauma. Every requester is given an opportunity to develop a relationship with a named person, who can guide them through the process and try to meet their individual needs. All requesters are invited to meet their worker at the office, and in some cases records may be taken to a person in their own home. For most people though the option of sending records via special delivery is the most appropriate.

Barnardo's recognises that accessing records can be an overwhelming and confusing experience. A range of supporting leaflets and guidance has been developed that help people to know what to expect. These provide practical information about the process, as well as context about the historic provision of care and the language and terms used in the past which helps care leavers to interpret their records. After-care is offered, with follow-up phone-calls and records counselling for those who want it.

'Third party information' is only removed where it is absolutely necessary. By building a relationship with each requester workers will try to find out what is already known information; then using their expertise and judgement, the records staff are able to keep redaction to the minimum required by Data Protection legislation. Where there are photographs, either of an individual or their home, the original copy is always provided, along with any other personal items such as certificates, letters or school reports. In this way the important role that records play in a person's memory and identity is centralised.





Taking control of your records

Heather Forbes, County Archivist and Imogen Watts, Corporate and Digital Records Manager, Gloucestershire County Council

Gloucestershire County Council takes its record-keeping duties seriously and is undertaking a number of projects to enable it to speak with authority about its children’s care records.

a) **Social services and education departmental archives**

In 2018, Gloucestershire Archives completed an 18 month project to appraise and catalogue the records of the social services and education departments, focusing on records relating to the care of children. It built on previous work to produce a detailed catalogue of all council and committee minutes in which key decisions are documented. Where appropriate, consistent closure periods were established and applied.

Full catalogue descriptions and comprehensive administrative histories for institutions, organisations and services are now available. This has enabled the council to demonstrate the extent of their historic administrative responsibilities, identifying those institutions that they were, and were not, responsible for in the past. The County Council now has a comprehensive and accurate resource that they can use effectively when responding to requests for information.

b) **Corporate Records Centre**

Since 2016, the Records Management team has been running a project to improve the accuracy and detail

of file entries on the records management database for children’s files stored in the corporate records centre.

This included reviewing retention classification and review dates to ensure they are in line with legal and business requirements, improving the quality of file titles, and adding additional metadata to file entries. To date over 44,500 files have been re-indexed.

c) **‘Born digital’ records**

Gloucestershire Archives is leading an *Archives First* regional collaborative project looking at the long term preservation of ‘born digital’ records.

The records of adopted children and those in care have particularly long retention periods, sometimes 100 years. This is much longer than the lifespan of most databases in which the records are currently being created.

This project is identifying the key elements required to ensure the ‘born digital’ children’s records will be accessible when required, whether next year or in several decades’ time.

d) **CLEARmark**

The Council subscribes to CLEARmark, the quality standard for accessing care leavers’ records, developed and managed by The Care Leavers’ Association.

Approaching GDPR with compassion

Isa Jaye, Data Protection Manager, Hertfordshire County Council

Processing Subject Access Requests (SARs) doesn’t have to be a complicated business, despite the rumours. Whilst SARs are a challenge for organizations for various reasons, it is entirely possible to manage them in a way that is compassionate, legally compliant and within statutory timescales. My own organisation – a large local authority – currently receives approximately 50 SARs each month and has maintained 100% compliance for a number of years. At the same time we strive to ensure that each requestor is treated with respect and compassion, especially when they are requesting something as personal as their care file. This is not without challenges (not least GDPR) but it does illustrate that it is possible to be legally compliant and meet targets whilst caring deeply about the SAR process and the person at the receiving end of it.



Our interpretation is that all information surrounding the data subject is about them and is releasable. This includes information about other people in their lives. For example, if a child is taken into care because of their birth parents’ issues, we understand that information to be about the data subject as much as their parents. Surely the most important aspect of any SAR is to enable people to find out what has happened in their lives, and such information is critical to that. Ironically, it is over redacting and over processing of requests that causes many organisations to breach statutory timescales and leaves people feeling upset, angry and confused.

Processing SARs is not an exact science and nor should it be, but organisations need to understand not just their legal obligation but their moral one too. Duty of care and loco parentis do not cease because someone is no longer a looked-after young person, any more than it does when a child becomes an adult in a ‘normal’ family setting. Family history – both good and bad – and every single shred of anecdotal information held in files is of paramount importance to that person and must be treated accordingly.



One of the keys to achieving this is resource. We have a dedicated team of practitioners – working independently from other departments – equipped with a basic knowledge of the application of the Data Protection Act, and supported to develop judgment and empathy without fear, risk aversion or organizational politics. This paradigm can be the basis for a straightforward and efficient approach to SARs, although it may not be attainable for all.

However, an easily achieved and equally important factor is a simple common sense approach to redaction. Redaction is by far the biggest challenge when processing SARs, because it is seen as time intensive and risky.

Many organizations consider most, if not all, data that is not directly about the requester to be third party information and they spend time, painstakingly and unnecessarily, removing it from the files, or trying to contact relatives who are unlikely to want to give their consent. This is because of a failure to understand what constitutes the subject’s data and what real third party data is.

Records Retention Decision Tree, Gloucestershire County Council



The phone rings: a case study

Craig Fees, archivist, Planned Environment Therapy Trust Archive and Study Centre, 1988–2018

The phone rings. Out of the blue: A former child in residential care, from a place whose archives we hold. This is already special. Here is a voice reaching sixty years into the past to bring this children's community into the present, and bringing a subsequent lifetime with it.

He's heard we may have his file. We do. Can he come to see it? He can. He's partly disabled; he will take the train to a nearby station - we have a small rural one I recommend. Can I recommend a taxi firm? No, I will pick him up (and take him back!). We have onsite accommodation if he wanted to stay overnight. No, he wants to come up and go back on the same day. This first conversation lasts the better part of an hour - because I know something about the place and know the names of members of staff and even fellow children as he mentions them, and he wants to talk to someone for whom the place is important and has meaning. It's fascinating, and I ask whether he might possibly be willing to record such a discussion, if there's time, when he's here? The recording would be confidential unless or until he agreed otherwise, having had a copy of the recording (we don't always have the resources to provide a transcript; but that would be ideal). I explain how it's held securely, and that people either could or could not see it, depending on what he wished; it would be entirely in his hands. But there might not be time, and it might well be something he would not want to do anyway. But I do want to convey that what he is saying is important, and would be of immense interest to future generations. Or should be! I want him to know that he and his experience are important.

We talk about data protection, and what I will do to make the file available to him: I will go page by page through it, with an eye for third party information which might need to be redacted; I explain the legal parameters guiding redaction; and I explain that because the file is a private document about him, and from my point of view is none of my business, a) once I have been through the file I am unlikely to remember in any detail what is in it, because I will be reading it instrumentally and not for information about him or his life, and b) I will not redact anything unless it is absolutely legally necessary, because the more detailed and complete the record I can put into his hands, the more value it is likely to have for him. I ask him for three things before I start: some proof that he is who he says he is, so that I don't release information to someone I shouldn't; any information he can share about who I might encounter in the file (family members; fellow children; foster carers...), and if he can let me know whether any are alive or dead; and formal permission to go through his file. Of course he is unlikely to say no to the latter; we both understand that. But it is important to me that he is the one who makes the decision, and gives the permission for this stranger to go into his intimate childhood. It is not just a formality. Are there any charges? No, although as a small charity we never say no to donations. But we don't want anything to stand between an individual and access to their file.

I meet him at the station. We readjust the car to meet his physical situation. I tell him we have a twenty-five minute ride. We talk: it's beautiful countryside; he's come from London. He asks about me, about my background and where I'm coming from, so we talk about that. I tell him I have set up my office with his file, and am happy to be in there with him, or to shut the door and let him have it to himself. He won't be disturbed if he doesn't want to be. When we arrive I make coffee and biscuits. I explain the very few redactions I've made, how he will know when he comes across them, and what they mean: for example, in the filing system in his childhood children from the same authority often had papers mixed together, or the children were bundled together into a single piece of correspondence. Since he knew who he travelled to and from the place with (and has mentioned them), I would not remove that kind of information. But where there were personal details about the other child or their home situation, for example, I would.

He elects to be alone with his file. The phone is unplugged, there are no limits on time, and there are no other visitors expected. I will be somewhere around if he needs me. Eventually, he emerges and we talk. He shares his views on his file, and his child's eye view of its depictions. There are factual inaccuracies in it. Some things have fallen into place for him. We don't record; it's not appropriate. But he invites me to meet him some time for coffee in London. I take him back to the train. We email. We meet in London, and he talks about the place some more, about his life, about the experience of accessing his file, and something of what he learned. He has a second hot chocolate, and I have a second coffee. London is his home ground, and he makes sure I know the best route back to the train. I am in the loop when I hear, from a member of his family some months later, that he has died.

Each request is unique, comes differently, and unfolds in its own particular way. But if done well the underlying philosophy of welcome, of being at the service and disposal of, of adapting to, of making possible, of conveying the meaning and significance of, of learning about and from should be consciously or unconsciously experienced by every person seeking their file, as is a sense of sharing responsibility and of working together. The ultimate source of one's orientation as an archivist is love, or, more simply, a profound respect and treasuring of people, of records, and of the possibility when they come together; with a healthy respect for boundaries, and for the potential of traumatic experience to spring surprises, including the surprise of having no bearing at all; the knowledge that archivists are not therapists, but people; and with a fundamental understanding that whatever the emotional dynamics of the encounter with their records, that experience is theirs, and not ours. We are guests in their lives, and the unique privilege of the archivist is to set the stage for their encounter with their file; to provide an environment which is welcoming, informed, and safe; and to be available if and as called for, with the willing understanding that one may not be called or needed at all. Which is excellent; to be invisible and forgotten is a privilege as well.

✉ v.hoyle@ucl.ac.uk / e.shepherd@ucl.ac.uk

☎ +44 (0)20 7383 0557 🐦 @mirraproject

🌐 <https://blogs.ucl.ac.uk/mirra>



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