

**Access to Records Guidance and Principals.**

**These principals are taken from, and we thank, the Care Leavers’ Association Access to Records Quality Mark Framework.**

**The Care Leavers Association confirmed Brighton & Hove have been awarded this Quality Mark as of 21/3/2023.**



**CLEARmark: C**are **L**eavers **E**nhancing **A**ccess to **R**ecords

They also describe some of the most important ideas and values uncovered/identified by the original MIRRA (Memory-Identity-Rights in Records-Access) Project.

Please see link here article on Recording Practice in BHCC and the importance for accessible recording for YP.

[Relationships, Reviews and Recording: Developing Practice for Children in Care](https://www.tandfonline.com/eprint/YEAIQEHMUMITVHZEHBBB/full?target=10.1080%2F09503153.2021.1889488&)

## Useful link to a book for professionals on access to information for adult care leavers; A guide for social workers and Access to Records Officers

[Access to information for adult care leavers | CoramBAAF](https://corambaaf.org.uk/books/access-information-adult-care-leavers)

**Principals**

1. **Advertise the right for care leavers to access their records in at least one type of media.**

Currently, many care leavers, particularly those who left care ten, twenty years ago, or more, are unaware that they have a right to access the file that was kept on them whilst they were in care. Some do not even know that one exists. This requirement provides a simple and low-cost way for local authorities to raise awareness within their area.

**How this is met;**

The Access to Records page online, reviewed and updated, can be found here [Get access to your childhood records after you've left care (brighton-hove.gov.uk)](https://www.brighton-hove.gov.uk/families-children-and-learning/childrens-services/access-your-childhood-records)

The information available talks through the process of Access To Records.

The information online has been informed by feedback from those with Care Experience.

Information on Access to Records is now featured in our Local Offer and agreed through the Corporate Parenting Board.

A Care Leavers App has been developed, Journey Brighton & Hove, and incorporates information on Access to Records.

As a Local Authority and our green commitment, we do not have printed leaflets however any information online can be printed and provided to those interested upon request.

There is a form available online and this can be edited online and emailed to the team. Alternatively, an email can just be sent with details of the request and this will be responded to.

There is no requirement for the form to be filled out in order to put in a SAR (Though this is helpful and can ensure proper understanding of scope and allocation)– a SAR can be made verbally, in writing or via email.

It is important to note that Access to Records is **not** a substitute or in place of Life Story Work. These are separate things but are linked and Children’s Services have a Life Story Work Policy and Procedure.



The Pathway Planning process and forms, for those age 16+ in care, now include information and questions to promote access to records. The following questions are included.

* **Am I aware of the information that children’s services have about my life? Am I aware of how I can see this if I would like to?**
* **Have I had a chance to talk about what this means with my social worker/PA? What have I said about this? (This will include a link to the materials online explanations).**
* **Are there key documents that I would find it helpful to have now? (Focus of this will be on MMW reports and letters).**
* **Is there any additional support that might help me with this process? How will this be provided?**
1. **Have a statement of recognition that care leavers have a right to this information.**

Many older post-care adults are still unaware that they can access their childhood care files. A statement of this kind by a local authority or voluntary organization will make it clear to any post-care adult who approaches them that this information is available to them if it is held. Care leavers also believe that a statement of this kind would be found encouraging and would instil in people more confidence in making a request

**How this is met;**

“All Care Leavers and those who had been supported through Children’s Social Care have the right to fully access their childhood care files. Access to this information can have a positive impact on people’s lives. The value of these files, and the need for us to promote this right of access, is recognised by us in Brighton & Hove City Council and we aim to offer all care leavers support and kindness in what can be a difficult and challenging process.”, Principal Social Worker and Head of Safeguarding.

The above statementis in place. It is included within our local Safeguarding Procedures online. The statement is also included in the Local Offer and in the information explaining Access to Records.

The information online explains that we hold historic records and our retention periods. It is likely we are holding information longer than expectations and if we hold the information and it is requested, we will provide it.

The current practice is that records are kept for 100 years from DOB for records where the child came into care.

Where there was social work involvement, but the child did not ever enter the care system retention is for 25 years from DOB

This is subject to individual case circumstances and some records may be held for longer where cases resulted in changes to policy or procedure.

To note, to ensure accessibility, the information about Access to Children’s Records on the website is written to a reading age of 9 years.

1. **Recognise the positive importance of accessing files.**

The information held within files can hold many answers to a person’s past. Often it is their only source of information about their childhood and, in some cases, their family. Childhood care files can play an important and very positive role in a person’s sense of identity. Recognition of this fact by service providers will raise awareness about the importance of this service within their own organizations and also reassure post-care adults who approach the organization that their request is being treated with importance.

**How this is met;**

Through the statement of recognition, Access to Records guidance information, Pathway Planning documentation and through Social Workers and PAs.

Social Workers and PAs are provided with training that includes the importance of access to records as well as Life Story Work.

There is a link to organisations that offer support including local mental health services and;

* Care Leavers Association, [The Care Leavers Association](https://www.careleavers.com/)
* NAPAC [NAPAC – Supporting Recovery From Childhood Abuse](https://napac.org.uk/)
* Rees Foundation [Rees Foundation - The Rees Foundation | Life-long support for care leavers](https://www.reesfoundation.org/)
1. **Have an ATR policy that is publicly available**

This will allow the general public to see, at a glance, the organisation’s approach to access to records and be aware of the processes which surround subject access requests. The presentation and packaging of records for delivery should be decided in discussion with the requester and consider the emotional impact of receipt.

**How this is met;**

The Access to Records website has a standard procedure on it. The process and policy include how a person wants to receive their records. Each Access to Records is treating individually with the request tailored to the needs and preferences of the requestor. The information includes explanations of redaction with a full redaction statement in place. The discussion of consent from others to minimise redaction is also in place.

The policy includes discussion of support available for the requester and regular updates on the progress of your request.

1. **Have a monitoring system on requests received and responses made (or to be demonstrably working towards such a system).**

In 2007, the Care Leavers Association conducted a piece of research, using the Freedom of Information Act, on local authority access to records practices. This research revealed that nearly one third of those authorities surveyed had no monitoring system for access to records request.

A monitoring system would allow organisations to track both the number of requests received and the way in which these have been responded to. This is important, both for assessing the effectiveness of a service and to show the need for increased resources for this area of work.

**How is this met;**

Access to Record requests are all recorded centrally by the Information Rights Team with a unique SAR (Subject Access Record) reference number.

Data on volumes of Access to Records received from the different requester profiles is recorded: Parent or Adults (theirs or child's info), Child in Care 10-17, Care leaver open to LC Team 18-25, Adult care Leaver post LC support 18- 34, Adult care Leaver 35 upwards.

This monitoring system is reportable against.

The Information Rights Team currently have various QA processes – including :

* A ‘handover document’ – this is an audit of the SAR and the document details the different stages of a SAR and the decisions the case officer has made along the way. For example, any exemptions they have applied, any email correspondence with the social worker or any risks they have identified within the information (DV, sexual abuse within third parties or data subject, mental health concerns).
* Each SAR is looked at contextually to inform how redactions are applied and the redaction approach. All of this is detailed within the ‘handover document’ throughout the SAR process and sent to the manager before the SAR is sent out to review.
* There is a QA function – this is a second read through of the SAR once redactions have been made (but not applied). At this stage, any potential data breaches are picked up or any concerns about the SAR are explored before the redactions are applied. If a SAR is very large, a 10% check is carried out – this involves picking sections of the SAR at random to review until we have reviewed 10% of the document in different areas.

If a SAR is particularly high risk and lots of exemptions have been applied, the social work or legal team are approached to see if they wish to review the SAR before it is released. This is decided on a case-by-case basis.

* There is a spreadsheet which details each SAR individually and the allocated officer. It details the statutory deadlines, whether the SAR is classed as ‘complex’, the archive files the SAR may have, progress through the SAR, posted and completion dates and compliancy against statutory deadlines.
* There are electronic folders for each SAR and these are uploaded to Sharepoint (a central database used for corporate SARS, internal reviews, breaches, data protection and other rights of access).
* In order to ensure the regular oversight of the work on these SARS, officers also have group supervision drop-in sessions to which they can bring their case to discuss and receive any advice from the manager and colleagues.
* A Feedback Form has been developed and is in place from October 2022. This is sent out with all SARS.
1. **Provide a brief and accessible response letter and leaflet to encourage care leavers to see the process through.**

For many care leavers the decision to access their records can be a big step. It can also be a very unfamiliar and daunting process to enter into. It is important that care leavers’ enquiries are dealt with in an encouraging and friendly manner. It is also important that care leavers are informed about how the process will work and what they might be able to expect.

**How is this met;**

There is a good explanation of the process in place to encourage engagement.

Step by step explanation of the SARs in place (queries and overview of process and breakdown of jargon and why relevant steps were taken). Information given openly to receiver of files. A document explaining the historical context of why decisions were made is provided, for example explaining changes in the law.

Requestors receive monthly updates on the progress of their SAR – this offers them the opportunity to raise any questions or concerns. The Information Rights Team will direct clients to their social worker or leaving care worker if they have concerns outside of our SAR process that may involve the nature of the information and their wish to continue.

Training has been provided to the Leaving Care Team and will continue, to ensure Personal Advisor support.

Personal Adviser to include on the Pathway Plan if access to records process has been started, to ensure that support is there if needed. An offer of an Advocate if appropriate is made through the PA.

1. **Monitor the effectiveness of the service through use of an evaluation form.**

In order to continually improve the access to records services and ensure that it meets the needs of those using it, it is important to seek feedback. A simple evaluation form will provide agencies with a valuable insight into how well their service is working.

**How this is met;**

Exit interviews in the Leaving Care Team include discussions on any Access to Records process.

A Feedback Form is sent out for all Access to Records processes.

1. **Redaction of records should be done carefully, protecting the authenticity, and understanding of the recording.**

Where records have been redacted each redaction should be clearly explained, and requestors should be informed of their right to appeal and/or complain about redaction decisions.Records should be redacted only where information pertains absolutely and completely to a third party and bears no relation to the care-experienced person.

Thinking about permissions from others to lessen the need for redaction.

**How this is met;**

It is acknowledged this is a difficult area, redaction, when led from an IG perspective only, can risk taking the meaning of a document away.

Step by step explanation of the SARs is in place (queries and overview of the process, a breakdown of jargon and why relevant steps are taken). Information is given openly to the receiver of files. A historical context document has been completed and is provided.

Third party information and why this is redacted is explained to the requestor throughout the process. There is a process of discussing consent forms for third parties that may reduce the need for redaction.

Advocates and Personal Advisors, when involved, are encouraged to support in this area of access to help minimise the need for redaction.

An open 2-way communication is in place with the requester. This can be email, phone or online meetings with requesters including advocates as appropriate.

A Redaction Statement is in place.

In principle a person’s access to the legal file relating to any Care Proceedings that took place should be in full. As a Corporate Parent thought to support in this area is important and some consideration to sensitive information, for example about siblings, being withheld. (For example, paternity discussions around siblings).

These records form part of legal bundles given to the young person via the Guardian in court so is their information.

The Access to Records team’s practices on redaction are regularly reviewed and there is continuous and ongoing training in line with ICO guidance. Redactions are made in line with the Data protection Act 2018, UK GDPR and ICO guidelines. Every effort is made not to over redact and each SAR is redacted in individual context. Where it is known to the requestor the information will be left in unless exemptions apply.

In active cases, social worker views will be sought in regard to the redaction approach and current risks.

Records provided can be very large and every effort is made to provide these in chronological order. The team ‘batch up’ larger SARs into years to ensure clarity of the information if the SAR cannot be completely chronological. The team review the presentation and accessibility of records regularly and adapt practice through the feedback process.

**(MIRRA) Recording Practice Principals**

1. Care-experienced people (children, young people and adult care leavers of any age) should be able to participate in *every* stage of child social care recordkeeping, if they choose.

**How is this met?**

There is a clear recording practice and policy in place around child involvement.

Social workers tell children what they are recording and why. They talk to children and young people about what they would like to be recorded and ensure that the ‘voice’ and views of children and young people are always included. Social workers are supported through training, development and self-auditing to evaluate and review their practice. Records are written to the child.

The Recording Policy include the MIRRA Principles in full.

There is a well-established Participation and Advocacy Service.

A Care Leavers inbox has been set up and the Care Leavers app has an option to ask questions.

Of note the MIRRA project are currently working with OLM (providers of Eclipse, Brighton & Hove’s Children’s Case Management provider) to develop a participatory recording system.

A Co-production Strategy to bring together all strands of work in this area is in development.

1. Organisations should be able to identify and locate all the records they create, receive, use or hold relating to children, young people and their families.

**How is this met?**

Safe and secure records on Carefirst. Transferred to Eclipse in November 2021. Historical paper records are in ‘deepstore’ and accessible.

1. The active involvement of children, young people, carers and family members should be built into recording practice throughout the care experience, using age appropriate mechanisms and activities.

**How is this met?**

This is met through the Recording Policy. An ongoing review of recording practice is embedded into systems through Lead Practitioners, e.g. Me and My World paperwork (Children in Care recording).

Participation is achieved by social workers and IRO’s recognising children and young people as social actors able to be involved and make decisions about their lives. It is achieved by exploring the context for individual children and young people and utilising a range of direct work activities appropriate to them. There are resources for Social Care staff on ‘One Space’ of direct work tools to support participation in MMW reviews.

Training has been provided to Brighton University SW Students by the Care Leavers Forum around recording.

Training has been provided to Leaving Care Team to involve care experienced young people in recording.

1. Records should include and accommodate core traces of an individual’s life, including photographs, special events, achievements and memories, extending beyond the current practice of life story work.

**How is this met?**

Social workers, foster carers and IRO’s are expected to include records of strengths, achievements, key events and memories within their recording.

Although practice in this area has excellent examples overall provision is currently fragmented, foster carers holding some, some stored on Eclipse or old paper files. No current agreed policy of how photos for example can be printed and stored. There is work ongoing to consider to use of virtual and physical Memory Boxes for young people. A Working Group has been established to further develop practice in this area and produce guidance to standardise practice.

There is clear guidance in the Foster Carer’s Handbook in this area that states;

**Memorabilia – foster carers as custodians of children’s memories**

**Importance of children’s memories**

While your foster children are with you, no matter for how long, you are the custodian of their memories. You may well be the most constant figure in their lives for a period and it is you who can record the events that form their memories. They very often have a very fragmented sense of themselves as they move between families, and 'life story' books and keeping memorabilia in memory boxes will help children make better sense of their histories.

Children need anecdotes to be remembered as well as visual reminders of what they have done, for example:

*Do you remember? This picture was taken when we went to the zoo and the goat tried to eat your scarf!*

For many children in care positive memories, which in turn help to build their self-esteem and sense of self, can be few and far between. Social services files all too often only record negative events. It is usually in the recording taken from foster carers and contact supervisors that children find what they really want to know, such as, *Was I a sweet little girl/boy?*and *What did I like doing?*Funny stories and tales of mild misdemeanours are particularly valued.

**Memorabilia suggestions**

Suggestions of how to capture and keep these important memories are:

* albums and scrap books with photos, tickets, postcards, invitations etc (don't forget to label clearly on the backs as well as underneath who is in the photo and what the event was.) Don't forget the pets!
* a scrap book for art work. You could take photos of any things that might be difficult to keep for long or fragile things that are made at school but which do indicate to the child/young person how their work and efforts are valued
* diaries with little stories that describe everyday as well as special events
* make a note of their favourite books/films/videos/games. If these can accompany the child when they move on, all the better
* get a memory/treasure/special box for their things. This could be something the child decorates with you if they are old enough. Keep artwork, souvenirs and 'precious' objects in there for them to take with them when they move on
* all children like to keep mementos from special days out, such as post cards or entrance tickets. You need to assist young people in keeping a record of such special items and ensuring this gets passed on in their treasure box/album when they move.
* if you have any copies of videos or DVDs that will help the child remember their history, they too should be included in the memory box.
* ....and if you are able, keep copies of key documents as the originals can sometimes be lost or destroyed in the years that follow, and you (or the child's record) may end up with the only copy of a key item.

If you do not have a camera to record your foster child's time with you, purchase a disposable one just for them. It will also be important for children to know that you have kept a copy of a photo of them (many foster carers have a pinboard with photos of ex foster children). This helps children to be reassured that they are being 'held in mind' and will not be forgotten as soon as they go.

1. Records should accommodate multiple voices, representing the different perspectives, beliefs and opinions of the diverse people involved in a child’s life.

**How is this met?**

The open questions and narrative approach to recording enables social workers to use their professional judgement in what to record. It also allows for different perspectives to be voiced and written about. Through training on recording, social workers and IRO’s are encouraged to include diverse perspectives. Active ARP action plan in place and within the audit structure to consider and ensure race and identity included in recording.

1. Recordkeeping systems, including digital systems, should be structured to manage formal, informal and creative contributions from multiple perspectives.

**How is this met?**

As above. Eclipse.

1. Where tension and disagreement exist between perspectives this should be fully represented in the record, without attempting to establish a single, agreed narrative.

**How is this met?**

As above Principle 5.

1. Amendments, commentary and additions to records should be accommodated within recording systems.

**How is this met?**

Right to rectification process is in place. This is included in information shared as part of ATR.

1. A child, young person or care leaver should have the right to request that elements of their record be deleted or ‘forgotten’. If this is not possible then their request should be acknowledged as part of the record.

**How is this met?**

Right to reply/ rectification process in place. Requests for deletion will be responded to if records cannot be deleted with an explanation recorded on the file.

1. Where information is sent to another agency a record should be made on an individual’s file so that this can be traced in future.

**How is this met?**

Privacy notice is in place to cover that within a safeguarding service sharing of information is done where this is in the best interests of the child and allows safeguarding to be in place. Information sharing is included in recording.

1. Records should be indexed, organised and stored in ways that enable the quick discovery and retrieval of information relating to a named individual, institution or event. Where resources for records management are limited these records should be prioritised.

**How is this met?**

These 11 principals are included in the Practice Framework for Recording. Eclipse is indexed and organised.

1. The retention of records should reflect their potential life-long value, over and above the minimum legal retention period. To reflect this, written and photographic records should be retained for a minimum of 100 years.

**How is this met?**

BHCC Retention Schedule is in place. Deleting process on Carefirst/ Eclipse is not yet needed as they are not that old.

1. Where records are disposed of, a complete record of the names of the individuals to whom they primarily relate should be made and retained for 100 years, so that disposal can be confirmed and justified to a person seeking access to information.

**How is this met?**

As above

1. If records are digitised then the process must take into account the needs of care-experienced people to access tangible traces of their past, preserving all original photographs and personal documentation.

**How is this met?**

Uptake in wish for people to have their records given to them as digital files rather than paper records. Hard copies to be kept of records.

1. Arrangements should be made for the transfer of records to an appropriate agency in the event that an organisation ceases to exist.

**How is this met?**

N/A to a Local Authority.

1. Practical information about how to access records should be readily available to children, young people and adults at all stages of their care experience and throughout their lives.
2. This information should be in plain language, avoiding technical or depersonalising terms.
3. All staff members within an organisation should be aware of this information and be able to recognise a request for access.

**How is this met?**

This relates to Principles 1 to 4 above.

1. The presentation and packaging of records for delivery should be decided in discussion with the requester and consider the emotional impact of receipt.

**How is this met?**

In place and part of above principles.

1. Where records have been lost or destroyed, either accidentally or as part of a programme of disposal, organisations should provide an evidence-based justification for why, when and how this occurred.

**How is this met?**

Destruction certificates in place for appropriately destroyed information. Data breach processes in place.

1. Where records have been redacted each redaction should be clearly explained, and requestors should be informed of their right to appeal and/or complain about redaction decisions.

**How is this met?**

See Care Leavers Association Principle 8 above.

1. Records should be redacted only where information pertains absolutely and completely to a third party and bears no relation to the care-experienced person.

**How is this met?**

See CLA Principle 8 above.