

# 10 A Paper Childhood: The Social Services Care Files of Former Looked After Children in the UK

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This chapter considers the significance of accessing written information on one's childhood. A written history of one's childhood is a rare event for most children, but it is routine for those who grew up in care. Between 6,000 and 7,000 young people leave care each year in England. This suggests a conservative estimate of approximately 350,000 adults in the UK as a whole who spent part or all of their childhood in care. Each of them will have had a local authority or voluntary sector file which detailed various aspects of their care. After leaving care, many of these adults attempt to gain access to these files in order to answer questions about their past. This process can be important for a variety of reasons, such as the formation of a coherent adult identity and addressing issues of self-esteem (Stein and Carey, 1986: 142-143; Biehal, Clayden, Stein and Wade, 1995: 108-109; Pugh, 1999; Wheal, 2002). However, research and services in this field lag far behind those in relation to adults who were adopted as children (Kirton et al., 2001; Howe, Feast with Coster, 2000). The Data Protection Act 1998 now provides local authorities with new guidance for the maintenance and accessibility of such records (DoH, 2000), thus making research on this subject particularly timely. This article outlines a British Academy funded research project that represents the first stage in trying to fill the knowledge gap in this field. It reports the early results of the first national survey of all local authorities (and some voluntary providers) in the UK on their access to records practice and procedures with respect to former care adults.

## **Introduction**

In contrast with the field of adoption records, there has been very little research relating to adults who seek to access child care records from their time in care. A number of studies have looked in depth at questions of birth records access for formerly-adopted adults, and the issues of searching and identity that are associated with them (Howe, Feast with Coster, 2000; Feast and Philpot,

2003). There have been some studies which have looked at such issues for those who grew up in care (Kirton et al., 2001; Pugh, 1999). However, whilst these have been valuable, they have been small-scale and have largely served to emphasise the gulf in support services and knowledge between the two areas.

We lack basic data, such as how many former looked after children access such records. Some evidence suggests that the number is small in comparison with adopted adults (Kirton et al., 2001). However, the reasons for this remain unclear. It may be a lack of curiosity, but it seems more likely that many former care adults simply do not know that such information exists. The huge upsurge in demand following the BBC's screening of *Barnardo's Children* in 1995 clearly suggests that ignorance is a major factor (Pugh, 1999). Prior to these television programmes, inquiries for care records at Barnardo's had been running at about 1,500 per year. After the programmes, there was a surge of 4,000 inquiries in the following few weeks alone. This led to the establishment of several new social worker positions to deal with the work that such inquiries generate.

Anecdotal evidence and past research suggests the following: (1) the importance of identity and other personal issues that files access and the associated interpretation of the past throws up for adults who grew up in care, (2) local authority practice in this area appears to be very variable, (3) some voluntary organisations have much more developed services than local authorities in this area. In part, this research was designed to test out those perceptions. The new legal framework introduced by the DPA provided a good opportunity to do so. The requirements for implementing the Act have encouraged many local authorities to put their management of personal information on a much more systematic and coherent footing.

In what follows, I consider the motives and experiences of adults accessing this information. Other results from the research, around the practices of local authorities and the implementation of the DPA, are largely left to one side. However, it should be noted that these are important. For example, one of the ubiquitous concerns of our respondents was how to deal with 'third party' information; that is, information which is about someone other than the person accessing the file (eg. parents, siblings or other children in care). Such information is often central to their 'story'. There are, however, restrictions on how much of such information can be divulged.

## **Legal and Policy Background**

Prior to the DPA, the governing legislation in this field was the 1987 Access to Records Act and the associated Access to Personal Files (Social Services) Regulations 1989. These allowed individuals to know what was recorded about them in local authority manual files. However, these measures were not retrospective and they did not apply to the voluntary sector. This meant that enormous numbers of care leavers - those in care before and during the 1950s, 60s, 70s and 80s - had no statutory right to see what had been written about them. A number of factors have prompted the changes that have occurred more recently. One of these was a European Court of Human Rights case concerning Graham Gaskin, a young man who had been abused during many years in care (McVeigh, 1982). In *Gaskin v. UK* [12 EHHR 36; 7<sup>th</sup> July 1989], the European Court found that the Article 8 rights of the European Convention (the right to respect for one's private and family life) had been breached by Liverpool City Council's refusal to grant him access to his care records. Gaskin had successfully argued that such information was necessary in order to understand his identity and childhood experiences. Prior to the DPA, while many agencies in the voluntary and state sector were already sympathetic to those requesting access, practice was highly variable. Record storage was equally variable and this research project has confirmed that, prior to 1988, records were often destroyed, as a matter of policy and as permitted in legislation, a few years after care had ended. Following the 1989 regulations, such files have had to be kept for 75 years.

## **What is in the Files?**

These documents often contain highly personal information, but it must be remembered that they are also bureaucratic instruments designed to fulfil certain statutory and professional obligations. Nevertheless, they display considerable variety. Firstly, they vary significantly in size and such variation is not always related to the length of time spent in care. Some files can be as large as 1,000 pages in length, while others may be less than a hundred. However, even the smaller files will usually remain much more extensive than adoption records. The files may contain a number of things, but the three most common appear to be:

- Statutory documentation, such as six-monthly review forms and documents detailing entry into care.
- More informal and regular case notes, often compiled from social worker visits.

- Correspondence relating to the case, eg. with parents or between professionals.

### **The Access to Records Project: Methods**

We sent self-administered postal questionnaires to 179 local authorities throughout the UK. These asked both quantitative and qualitative questions about policy and practice in relation to files access. Those responding held a range of positions, amongst the most common being Access to Records Officers. Eighty one local authorities returned the questionnaire, giving an overall response rate of 45%. Secondly, follow-up taped telephone interviews were conducted with 40 local authorities. These sought more in-depth information on topics covered in the questionnaire and asked fresh questions suggested by initial data analysis. Here, we only report the results of the questionnaires.

### **Findings**

#### **Why Access?**

What do we already know about former care adults going through this process? Not much. We know something from Pugh's study of adults accessing their Barnardo's records in the late 1990s (Pugh, 1999). In a small, qualitative study, she interviewed 12 former care adults who had accessed their records and highlighted a number of themes to their searches:

- the meaning and significance of roots, primarily blood ties;
- the need to know, basic curiosity about one's past;
- the need to create a coherent self-image;
- the intensity of emotion involved in this process.

In our study, we asked the access to records officers for their perceptions of why access was requested. These officers often interviewed former care adults before processing the file request, or met with them regularly to go through the files (it was rare for files to be handed over without such discussions). Through these meetings, they were able to gain some insight into the motives for access. A picture of considerable diversity emerges, reflecting the mix of motives discussed above. At one level, there was an element of basic curiosity; the need for these adults to know why they were in care, what happened, where they were placed and why:

Majority are seeking closure and are looking for answers to questions. Often the care records are the only reliable source of information.

Usually want to 'make sense' of their lives, sometimes expect to find in the files answers to questions which are not there. Often biggest question is 'why' put into care.

However, some went beyond mere curiosity and were seeking to take action; raising a grievance, tracing relatives or coming to terms with past abuse:

Older people want to find out why they were in care. Very often young people want access because they have a grievance.

[Reasons for tracing files] One - tracing relatives - siblings, parents. Two - wanting to know why things happened - why they came into care, why couldn't they return home earlier, why were they not adopted, why where they placed in different homes to their siblings. Three - disclosures of sexual abuse by foster carers - access is part of a therapeutic process of coming to terms/sorting out problems being faced now as a result of the abuse.

Whatever the reason for the access request, the process could be a difficult and unsatisfying one:

Large numbers of personal and family issues arise [and] can give rise to disputes. Many young people find it much more upsetting than they had supposed.

Individuals are often looking for answers and explanations as to why they were in care, the files don't give those answers. This can be distressing to the individual and to the social worker involved.

It is worth comparing these motives with those in relation to adoption records. For example, the Kirton et al. study of former care adults (2001) noted that 31% of their sample made allegations of abuse in the course of files access. Some of the searching undertaken was an attempt to try to resolve unanswered questions arising from this abuse or to compare file records against the individual's own memories of their experiences. Also, the overwhelming majority of former care adults in the Kirton study were seeking information or satisfying curiosity about their origins, whilst just less than half were seeking help tracing birth relatives and less still were seeking reunions. A very different and more uniform profile emerges from former adoptees, where 85% were seeking birth relatives.

### **Age, Extent, Policy and Practice**

We were also seeking a wide range of baseline data on this process. For example, the average age of former care adults accessing files in our study is approximately 35. This is a rough estimate, since in many cases age was not routinely monitored by local authorities. The earlier study by Kirton et al. of those accessing the records of The Children's Society (Kirton et al., 2001), suggested an average age of 49 years. In both cases, it is higher than the typical age at which former adopted adults seek details of their birth family. This latter group seek access at an average age of 30 for women and 32 for men (Howe, Feast with Coster, 2000). In short, these are former care adults who have moved well beyond their care experience.

Another finding concerned the extent of interest in files access. For the 81 authorities who responded, there had been an estimated 1,729 file requests in the previous year. Some of these were rough estimates, since a number of authorities did not categorise access requests in a way that distinguished between categories of former clients. Also, applications to see files are increasing: of the 81 authorities, 42 said that the number of requests was increasing, 19 said that it was about the same, 3 said that it was decreasing (17 either didn't know or didn't respond). However, there may be a generational factor operating here. The bulk of these adults were in care between the 1950s and 1990s, when the care population was significantly higher than it is today. Also, as already mentioned, many of them were not aware of the existence of a care file at the time. For both of these reasons, it is possible that the number of requests may decline with time.

Other differences with the situation in relation to adoption lie in the level of post-access help. For former care adults, this was patchy. For example, 57 authorities provided 'counselling' while 15 did not, and 38 authorities provided help in searching for birth relatives while 32 did not. Comments on the process of supporting adults revealed a strong commitment by many officers to make the experience of accessing files as supportive as possible. However, time constraints and the preferences of the data subject placed limits on this. As one officer put it:

Openness and transparency are essential even in dealing with very difficult and distressing material ... The decision to access a file is usually not made lightly and the counselling/support component of this work is important from the outset. Because this area of work is less 'high profile' than adoption access etc., it does not have anything like the same amount of resources at present.

### **The Contents of Files**

Files written prior to the 1987 Act were recorded with no expectation that they would be read by the former care adult in later years. In practice, there often

was such access, but, as noted, it was neither routine, expected nor required. Partly as a consequence of this, comments written by social workers and others during this period could often be more judgemental and pejorative than would nowadays be the case. A number of our questionnaire respondents recognized this as a problem. They often had to explain the context to former care adults. The following comments give a flavour of their perceptions:

Comments on old files are often subjective. Wording used can be hurtful. Client may choose to share [that] he or she was abused in care. Important not to enter discussion but to check what they want to do with this as referral to police might be next step.

I am usually ashamed about the lack of information and other items and nuggets (photos, anecdotes, pictures, school work etc., even photo[s] of carer or social worker). Appalled by some of what has been written.

A lot of data was not recorded with the intention that it would be viewed by the data subject.

Older files in particular can be very scanty in some details whilst using a style of language that we are horrified at today (can be very judgemental). There are often significant gaps in records, particularly older ones.

## **Conclusions**

There are a number of points that can be taken away from this preliminary analysis. The first of these is that we are talking here about thousands of people with significant issues compelling them to seek further information about their backgrounds. This is a major and unresearched area of significant interaction between public policy and personal life at its most profound. For some of the smaller authorities, the number of requests might be no more than a dozen a year. However, across the UK as a whole it is clear that a significant number of former care adults are seeking out this information. The second point worth making is that this data often contains extremely important details about a person's childhood and is frequently highly emotive. This raises significant practice issues for the workers involved but also raises intriguing questions about the long-term impact of this information on the lives of its recipients. These are not questions that we can answer here, but they do suggest an important future research agenda.

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