1. In Care Survivors Service Scotland (ICSSS) welcomes the opportunity to provide our views on the Public Records (Scotland) Bill. ICSSS welcomes and supports the Bill proposals to safeguard historical records. We are therefore keen to continue to work with the Government in establishing a workable, relevant and fit for purpose Bill.

2. Every effort is made with integrity to represent the views of service users of who have accessed the advocacy service, specifically in relation to access to records.

3. Up to October 2010 18% of service users had successfully obtained some of their records. This has increased to 21% have used the service to retrieve copies of their records from statutory organisations and private organisations.

4. We support the obligation on Public Authorities to produce and implement a Records Management Plan. We agree this should include Voluntary Agencies and Health records.

5. Preservation of historical records is critical for survivors of abuse in care settings and goes some way to providing information to fill the gaps in their childhood. Poor records management has psychological consequences for survivors of in care abuse (and other survivors) because historical records are essential in providing information about what happened to a person when they were in care. We appreciate that as children and young adults it is often not thought they can access records. Later in life, questions arise about their identity, family history and how they came to be in care. Case studies are provided.

6. Tom Shaw’s report found that authorities and institutions did not know what records existed and where they were kept. This is consistent of ICSSS experiences in supporting survivors of in care abuse to retrieve their records. Further, some contact with institutions showed that staff did not know if someone was entitled to receive their records, where they existed.

7. The good care and maintenance of records, we believe, is part of care provided by institutions or statutory bodies.

8. The issue for survivors of abuse in care, in our experience, is that records have been typically incomplete or have been destroyed. We understand that the Keeper will have the responsibility to keep and get rid of records and to decide when the latter should take place.
9. Recommendations include keeping records for an appropriate period of time and this needs defined.

10. We would want to bear in mind that service users/survivors of abuse in care have not had an organisation they could access easily to provide therapeutic support whilst accessing records. This means that many have waited decades to request their records and this may be a factor for the Record Keeper to consider.

11. The current recommendations are that the Record Keeper would issue guidance to authorities on the requirements of record keeping. This information and the requirements should be well publicised and advertised through the Voluntary Sector also as survivors have told ICSSS that they did not know they had the right to request their records. Further, there is confusion over who owns the records as individuals often feel that records about them, are for them and therefore belong to them.

12. Service Users have been advised in the past that they can come in to view their records. This does not meet the requirements of survivors of abuse in care because it is too much information to retain in the presence of one person. Issues also arise such as flashbacks as a result of reading records and this is very distressing.

13. The Records Management Plan must include recommendations on how to handle records which are archived, showing clearly a paper trail of where records were and where they were transferred to. This is particularly important, when listening to and working with service users, because some organisations amalgamate, are sold and become other businesses and it becomes bureaucratic to trace records.

14. We are interested to learn what records will be retained. Survivors of in care abuse have often found that pictures, school records kept by the private/public or voluntary care organisation provide key evidence of their existence and affects their sense of belonging.

15. Whilst it is anticipated that the bulk of the financial costs will be with the Keeper, we acknowledge that costs will be incurred with public/private/voluntary organisations. As described in the consultation process, organisations charge different fees for providing copies of records. Service Users of ICSSS have had to pay between £0 and £50 for records and fees do not always have a bearing on the size of the records.

16. The Disposal of Records Regulations (Scotland) 1992 confirms permission should be sought from the Scottish Records Advisory Council. Survivors of in care abuse may not then have the opportunity to accept their records before they are destroyed.
SUBMISSION FROM CK

A case about accessing my records

I accessed the In Care Survivors Service Scotland for counselling at the start of the project. I was really scared. I only had to wait a week to be given my first appointment with (development worker).

The 1st meeting was really about meeting her, finding out what I needed, although I knew it would be counselling. The worker explained other parts of the service – up until that point I didn’t know what advocacy was. She put it in plain terms with some examples and my ears pricked up when she said accessing my records.

I was abused by my adoptive parents, both of them, not just my dad. We all were. I didn’t know why I was adopted although I speak to my biological mother. She wouldn’t tell me why I went into care because she is still feeling guilty. My adoptive parents had a photograph book that Social Work had made up for me before I went into foster care and I only recently got to see that. I think the photographs are really really important, and they should be kept because they are about me. I was just a wee girl.

The worker told me what I would have to do and what she would do for me. I signed a consent form and she wrote to the Scottish Adoption Agency. The worker there called to say the records were ready. This took 3 weeks just. I was scared about what was in it, but I was hoping there would be proof of my abuse.

Whilst we waited for my records my worker spent alot of time with me preparing me. She had experience and knew that the records may be incomplete and it was hard to hear her say that there probably wouldn’t be anything about the abuse. She also prepared me by telling me that the language used by workers back in the day would not be what we would use today, and she was right. When I did read my records I was called “delusional, and badly behaved with low intelligence”. I was able to take a deep breath when I read them though because I now expected it.

We also talked about how I would get the records, if I would keep them, if my worker would keep them, if I would read them myself or if I would read them with my worker.

First off, we both met the Scottish Adoption Agency to receive the first set of records. There was only about 20 pages, but both ICSSS and the Adoption Agency were really patient with me. It helped that they both said the same things about how difficult it could be to read the information about me, and how hard it might be to realise there would be gaps. This is a powerless bit, gaps in my life when I don’t know what happened or why.
My worker took the records at my request and told me she would lock them in a cabinet until I was ready. After 3 months I read through them with her. It was upsetting, my biological parents let me down and there was no full screening of my adoptive parents. Too much was missing so I asked my worker to get records from Social Work. We did the consent form again and waited a month.

The records arrived to my counsellor and I wanted her to keep them for me. Then I asked her to read them with me. I liked the fact that the envelope was still sealed, she obviously hadn’t read them until I said it was OK.

Social Work wanted £10 for the records, the Adoption Agency didn’t charge me. Then I wanted my medical records as I was ill a lot. My GP charged me £50.

I now have my records to keep. The copies are easy to read, except the GP ones, can anyone read a GP’s writing! There are gaps that leave me with questions, such as how did I do at school, or how did they class me as low intelligence, and why was I delinquent? I have no pictures of each of the years as I grew up before going to be adopted. I don’t really know what I looked like so I can’t tell if my own child looked like me as a child.

I thought I would just read my records myself, but I am glad that I had my worker to prepare me for the content, the words, the language, and to read things about myself that don’t fit with my memories. I feel distrusting that some of my social work records are missing, and it makes me wonder what was in that.

I needed my counsellor to be the same person that got and went through my records so she understood. I needed her afterwards too, especially then, because of what it brought up for me. I thought the Scottish Adoption Agency did the best they could, but there are better records needing to be kept.
SUBMISSION FROM BA

When I accessed my records, or not

I got in touch with In Care Survivors Service Scotland to access my records. I have been trying for over 10 years to get my records myself but I don’t seem to get listened to by agencies and I have been hit with a lot of red tape.

I have been offered to take a look at my Social Work records but I seemed to be stopped in getting copies. It was the same with my GP. My hospital records have not been kept and I got different stories about they don’t need to keep them any longer than 5 years, or they should have kept them until 5 years after I die, or they don’t keep anything current if a condition was not treated in hospital. It was like I was asking for the crown jewels.

I felt embarrassed that it took headed paper to get my records. I was in 18 care homes in Scotland, and my worker tried really hard to get my records. I got records from nearly all of the homes but all of them were incomplete. Some were illegible, especially the nuns’ writing and the GP writing. I know I was on medication when I was 5, like an anti depressant, but it’s not documented.

Some of the care homes, assessment centres or listed schools no longer exist so my worker spent hours trying to find out from the Councils who would hold records up there. I know that there is an old cottage with piles of records in them and the cottage is locked up, I looked through the window, but no one will acknowledge it or take a look. Some of the staff in the stat agency told my worker there was no one old enough left working to remember that particular home. It’s on Google earth though!

My worker agreed with me how to get the records, and she made up a table for me of the different homes, the progress being made, and who returned records and who didn’t. It helped me because I can’t remember everything. There was information about other members of my family in my records so I found out things about them.

That made me think the missing information about me might be in their records, my brothers and sisters, but my worker was told that she couldn’t get information about their records.

Two things for me I want to say – the first is that it shouldn’t take an organisations letter head for me to get my records, how powerful is that! The 2nd thing though is that it’s just as well the organisation was there because I have a huge box full of records and I don’t know what would have happened to my head if the emotional support didn’t go alongside getting my records.
It cost me £150 to get my records. My GP charged £50 and the first set that was sent to my worker contained only 6 pages, that’s not exactly value for money, but after a 3rd attempt we got the rest, well I think we did.