

Appendices

INTRODUCTION TO THE APPENDICES

These appendices are included for guidance to assist organisations to develop or revise information and processes to support adult care leavers who have made a Subject Access Request. Some adult care leavers may need information in a different format, such as Braille or recorded information, or may need key documents translated. Organisations must comply with the Data Protection Act 2018.

It is helpful to be familiar with the guidance issued by the Information Commissioner's Office.

Summary page

<https://bit.ly/3tGLXCb>

In more detail

<https://bit.ly/3ncoxSx>

All of the appendices can be downloaded from the members' area of the CoramBAAF website.

Appendix 1

Initial response letter to adult care leaver who has requested information from care records

Dear

Thank you for your letter of [date]. We hold records relating to your time in the care of [organisation]. I am enclosing a leaflet explaining our services for those who were in our care.

To go forward with your enquiry, please complete and return the enclosed form[s]. If you have any query about this form, please contact us. An [prepaid] envelope is enclosed. Please also send two of the following documents to confirm your identity:

- a photocopy of photo ID such as your passport, photo travel card or driving licence, and
- a copy of a utility bill or bank statement showing your name and current address.

If this is a problem, please telephone us. [Set out the agency's procedures for verifying the adult care leaver's identity if it is not clear from the agency leaflet.] We will respond to your request in line with the Data Protection Act 2018 requirement of one month from when we have confirmed your identity.

Our usual practice is to provide information from your care records at a meeting between you and one of our [job title] based at [location]. We understand that some people may prefer not to go through their records with a staff member present. We have a procedure for sending a copy of the records to you safely and can discuss this with you. If you would prefer a local arrangement, we can discuss this with you and do our best to assist.

If you wish to meet with us, please contact us at [details]. If you have any particular needs that you would like us to take into account, please let us know and we will try to meet your request.

I look forward to hearing further from you.

Yours sincerely

Appendix 2

Access to personal records application form

1. Your details or the details of the person who is the subject of the records

Surname/Family name:

Given name(s):

Date of birth:

Ethnic origin [optional] [note that the organisation should be clear about the purpose of asking for this information]:

Current address:

(Please include any previous names and addresses under which your records may have been filed overleaf or on a separate sheet. We realise you may not know this information.)

Contact telephone number[s] or email address, if you would like us to telephone or email you:

2. Are these your own records you wish to see? YES/NO

(If yes, please go to item 4).

3. Do you have written authority to act for someone else? YES/NO

If yes, please attach proof that you are acting on behalf of the adult care leaver and have their consent, e.g. a signed letter from them.

4. Are you seeking any specific piece of information or documents relating to a particular period of time? YES/NO

(We realise that you may not have specific detail about what material is on any file we may hold.)

5. Please share any additional information you may have that will assist in finding your records, e.g.

- names of your parents and siblings (if possible, with approximate ages/ dates of birth). (We realise you may not have this information or may not wish to share this.)
- names of foster carers. (We understand that you may not recall this and appreciate that this may be the information you are asking about.)
- name and whereabouts of any residential home in which you lived (if you recall this).

6. I enclose the following evidence of my identity as required by the organisation. I also enclose a copy of a utility bill or other document to prove place of residence.

I understand that I may be asked for additional information to establish my identity and we will explain to you how to do so. And that I may be asked to provide additional information to help locate the information requested.

Signature

Date

For office use

Case number

Date received

Appendix 3

Template for the organisation's information leaflet

ACCESS TO RECORDS

This leaflet explains what will happen when you have asked to have information from records held by [organisation name] about your time in care and how we will arrange for you to receive this. It also gives information about other services we provide for adults who were once in the agency's care.

Introduction

[Organisation name] has worked for many years with people who were in our care as children to provide them with their original records. Under the Data Protection Act 2018, we must give you the personal information we hold about you on our records within one month of the date on which we have confirmed your identity details.

What do I need to do to obtain the information held about me?

When we have from you the documents to confirm your identity, we will begin to work on your application. Sometimes we may send you a form to complete to ask for more information to help us find records held from the time you were in our care.

How much information will be on the records?

The amount of information held in our records can vary.

[The following may vary depending on the organisation] Some of our records are handwritten and we will help with reading these. Some of our records are stored on microfilm – an early way of storing copies of

written material – and the original paper records may not have been kept.

Some of the more recent case records will be digital documents and we will make a printed copy of these if you wish.

It may be disappointing to find, especially in the case of older records, that there is very little information or photos in the case records. In some cases, records have been destroyed or damaged by fire or flood and sometimes a small number of records cannot be located. If this is so, we will do our best to suggest other agencies that may hold information about your time in care.

What information is in care records?

Usually the records will include information about what was happening to you and your family at the time you came into care and details of your family that were recorded at the time. There should also be information about any children's homes and/or foster homes you were placed in. Some records contain school reports, medical and other information about your welfare and development. The records may not answer all the questions you may have about your childhood. Sometimes, there are gaps or little or no detail recorded about particular events/times in your life. It is also important to understand that it is not possible to confirm the accuracy of the information. Sometimes, records written in the past contained prejudiced and judgemental comments often used at the time.

Will there be any photos?

It is unlikely that there will be any photos of you or your family on the record, although we will make a search in the organisation's archive in case any do exist. Our archives may also hold photos and other information about the children's homes used by the agency. If you were placed in a children's home and would like to find out if information or photos exist, please let our case worker know and we will ask on your behalf.

Will I receive my medical records?

Your case records may have routine medical information about you which we can send to you or arrange to send to a medical professional of your choice. If the health information seems complex, we may need to talk to a medical professional first before we can share it. But most health information will have been held on health records which will be under the control of the NHS.

Are there any restrictions on what I can see?

Data protection law means that we cannot share other people's personal information, sometimes referred to as "third-party information". This means that personal information relating to people other than yourself, for example, about other members of your family or other children in your children's homes/foster homes, may have to be removed from your records before the case records are shared with you. In some circumstances, the agency will need to have the consent of these people before we can share their personal information. We will try to give as much information about other people as we are allowed under the rules in the data protection law.

How will I see the records?

Once your application has been received, we will contact you to discuss what information you already have and what you are hoping to receive. We realise that you may have no or very little information. This will not be a barrier to sharing your personal information with you.

The case worker will also discuss the various options about what works best for you for getting your records. Some people prefer to receive copies of their records by post while others prefer to meet with one of our workers to share directly with you the information on your records and give you copies. Receiving information about the past can raise many different emotions and our worker will understand this. They will try to answer any questions you may have about your care records and talk with you about issues that are important to you.

While many people are surprised at the amount of information in their records, it is unlikely that all the questions you may have about your early life will be answered. However, most people who asked to see their care records tell us they are glad they have done so. Some say they have a better sense of who they are or feel they have a better understanding of why they came into care.

Reading material about yourself and your family background may be upsetting. Some people have told us that coming back to our organisation can be an emotional experience because it stirs up memories from the past that can feel overwhelming. You may wish to bring a partner, relative or friend with you for support.

If your circumstances are such that it is difficult for you to come to us, we may be able to make arrangements to visit you.

Can I see my records without meeting with the worker?

Our usual practice is to share records in a meeting with a worker because of the sensitive and personal nature of care records. Our

experience is that people find that the involvement of the worker helps them make sense of the information recorded and provides an opportunity to talk through issues arising from reading the records. This enables us to explain language used and what it means, and sometimes to help with making sense of gaps in records.

Can I be sent my records in the post?

We appreciate that a person may prefer to receive their records without seeing one of our workers and we can make arrangements for copies to be sent by registered post to an address where you live. We would want to be sure that no one else at that address would interfere with the material we post to you. We need to verify your ID and obtain an undertaking that you accept responsibility for your own welfare in requesting access to your records without involving a case worker from our organisation. We will always offer advice and support after you have received your records, if needed. Records sent by email must be sent safely so that only you can open the email and documents. We will check with you that your computer is secure so no one can interfere with the information we send to you.

What will you do if I cannot get to the agency office?

If you want to meet with the worker but cannot because your present situation prevents that, we try to ensure that a worker from our services arranges to visit you at home or where you are currently living. This includes visiting you in a residential home or prison. If a person is visually impaired or has difficulty reading, we can, for example, put the information from the records on a tape or provide it in a way that works best for you.

How long will I have to wait to see the records?

We must process your application for access to records held by us within one month of checking your identity. We will keep you informed of the progress of your application and let you know if we are not able to keep to this timescale and the reasons why, for example, if we are searching and have not yet found your records. If you wish, we may be able to provide the case records in stages.

Will I need to confirm with you who I am?

Yes. Your care records are confidential and we have to make sure we do not share them with anyone other than you. You will need to provide proof of your identity, including a photo – e.g. a driving licence photo, travel card or passport – and proof of your current address before we can go ahead with your request. The initial form we send you includes

more information about the documents you can produce to verify your identity. If this is difficult, please phone us.

Can I keep the records?

We will provide you with a copied set of your records to take away and any original documents that we may hold, such as a birth certificate, baptism or christening or other faith certificate, and school reports [amend as appropriate].

What can I do if I think that the information on the records is not accurate?

If you believe that any information on the agency records is inaccurate, you have a right to have this recorded on the case files. To assist you, we can provide you with a correction form enabling you to record what information you think is inaccurate and what you think should have been recorded instead. This statement will be included in the record and kept permanently on file.

Non-recent abuse and safeguarding children

Sometimes people will remember unhappy, painful times of being a child or young person in care. They may have memories of being ill-treated or of seeing others being treated badly. We take these reports very seriously and are particularly concerned about your welfare and also want to prevent harm to any child today. We have a special worker in the organisation to whom we talk if you tell us about abuse that happened in the past, so that we can consider what action to take. We will discuss this with you, but we will make the final decision about what action to take.

What services are available after I have had access to my records?

The worker will continue to be available afterwards to discuss anything arising from your experience.

What help can I get if I want to search for family members and people important to me?

Some people decide that they want to try to make contact again with family members or other significant people from their time in care. As well as practical advice and help with searching, the worker can help you look at the emotional aspects of trying to re-establish contact. If you decide you wish to search for someone, we can offer an intermediary service. [State if the organisation provides this service and whether it

charges a fee. If the organisation does not, signpost to services that may be able to assist, e.g. Family Connect, www.familyconnect.org.uk.]

What is an intermediary service?

When someone has lost touch with a person as a result of being in care, it may be a shock to hear from that person many years later. Our case worker can act as a go-between and make the first approach on your behalf. Everyone may need time to gather their thoughts and feelings before any direct contact is made.

If you would like us to act as an intermediary, we will always involve you at every step. As well as supporting everyone concerned in the initial stages, the worker can continue to be available to talk through any situation that may arise after contact has been made.

(The organisation needs to be clear about if and to what extent it offers intermediary to linking support services. If the organisation does, be clear about what is provided and any fees charged. If not, signpost to services such as Family Connect: www.familyconnect.org.uk)

How can I have access to information if I live abroad?

We would usually suggest that you contact an appropriate organisation where you live, which could then liaise with us to arrange for you to receive the information locally. We will forward the records and try to ensure that you receive a service similar to what you would experience in the UK. If you have problems identifying an agency abroad, let us know.

What information will be kept about me?

We keep a record of the service we have provided and details of your identity verification documents, contact details and any telephone, letter or email contact we have with you. We will record relevant personal information about you and your history and views. We can provide you with a copy of our record of any meeting we have with you.

Can I share copies of my case files with other people?

Sometimes people wish to share information from their records with a relative, partner or friend. You can talk to our case worker about how best to do this.

Feedback

We continually seek to improve our service and welcome comments and suggestions on your experience. We will invite you to complete a short questionnaire about our service but you are not required to fill this in.

What can I do if I am not happy about the service?

If you are unhappy with any aspect of our service, we have a complaints procedure. Our service manager [contact details] will be able to give you information about this.

You can also involve the Information Commissioner's Office which is responsible for data protection practice.

Appendix 4

Action record sheet – request for access to information from care records

Name of applicant:

Name of person acting on behalf of the applicant (if applicable):

Date file required by:

Name of worker collating the information:

Actions

1. Create new folder to hold information to be shared.
2. Create a diary sheet to record all contact with adult care leaver and any third parties.
3. Contact adult care leaver and advise that the process is under way and explain procedure for verification checks.
4. Photocopy information, make a copy of all information requested – this may be specific pieces of information or the entire file.
5. Read file – all areas to be shared must be read. Block out or request permission to share any information that does not belong to the adult care leaver (SAR applicant) and/or which they cannot obtain from public records or is not known already to them. In more recent files, the third party may have given consent at the time they shared the information. Identify parts of the file that contain sensitive or distressing information in order to forewarn the adult care leaver.
6. Withdraw information that appears on the file from any third party. Without delay, send a copy of the information, enclose a proforma letter, adult care leaver's original letter of request (if appropriate and with permission of the SAR applicant), permission slip and stamped addressed envelope to the provider of the information, requesting a response within five days. First check you have agreement of the adult care leaver to make contact with a named or any third party.
7. List and write to any partner organisations such as the police or health service, to inform them that the agency is considering disclosing their

data and ask for their views as to whether any information should be redacted and their reasons. It is important to let the partner organisations know that, while their views will be considered, the final decision about disclosure remains with the organisation that is the Data Controller of the particular personal data. (For example, detailed health information may be under the control of the NHS or another health body. In such a case, explain to the adult care leaver how to make a SAR to that organisation.) Record replies as to whether or not information can be shared.

8. Look through all the replies from partner organisations and third parties and consider with your supervisor which information it is reasonable to share with the adult care leaver, taking into account all of the circumstances of the case and the rights of all persons and partner organisations concerned.
9. Note any decisions not to provide information and reasons for doing so. It is good practice to share the reasons for non-disclosure with the adult care leaver without identifying any third party.
10. Contact the adult care leaver and tell them that their personal information is available. The copied information can be posted by registered mail with the offer of support if needed, or personally collected, or shared in the company of the case worker at an agreed place. A completion form is signed by the adult care leaver and placed on the file. Follow up with a phone call to confirm that the documents have been safely received if posted.
11. Inform appropriate persons within the organisation, such as the Access to Records team, that the information has been shared.
12. Place this log (or a copy) on the adult care leaver's original file, with the date when the information was shared and a list of any documentation withheld.
13. Return the file to live or archived location, appropriately labelled, stating access to records completed and date of completion.

Appendix 5

Response to an enquiry from an adult care leaver when no records have been located

Dear

Thank you for your enquiry about whether we hold records for the time you were in care. I am now writing to let you know that we have not been able to locate any records relating to you. We have checked our records in the following name [or list of names]. Please let us know if any other name or spelling could have been used.

I realise this will be frustrating and disappointing, but we have undertaken a thorough search of all the records we hold.

Please find enclosed our information leaflet that lists other childcare organisations that may be able to assist you in your search. We have also enclosed information about various organisations that provide advice, information and support for adult care leavers.

This can also be accessed online:

- www.careleavers.com
- becomecharity.org.uk
- www.familyconnect.org.uk

Yours sincerely

Appendix 6

Partner agency/third party notice of relevant material intending to share with SAR applicant

[NB. Ensure that any information enclosed with the letter is sent securely.]

Dear

Applied for by: [name of adult care leaver]
[check they have given consent]

Date of birth:

Intended file viewing date:

[Name] has requested access to written and computerised records that are held by [name of organisation/department]. Their file includes documents relating to your involvement with them. The Data Protection Act 2018 requires us to ask for your views about sharing any information provided by you about them. Copies of the relevant material are attached.

Please let me have your views about us sharing this material and your reasons for this on the attached form. This must be done within five days from the date on this letter, as we are working to the strict timescales of the Data Protection Act 2018 and are required to provide the information to [name] by [date].

We will take your views into account when making our decision about sharing this information. If we do not hear from you, the material will be shared with the applicant, subject to any relevant data protection requirements.

Should you want further clarification or information, please contact me.

Yours sincerely

Appendix 7

Partner agency/third party disclosure follow-up letter

Dear

Name:

Date of birth:

Applied for by:

On [date], I sent copies of third-party information relating to the above named adult care leaver located on [organisation name] files relating to the time they were in care.

If you have any objection to this material being shared with the applicant, please complete the enclosed form stating your reasons. We will take your views into account when taking our decision about sharing the information.

If we do not hear from you or your organisation within five days from the date of this letter, the material will be disclosed to the applicant, subject to any relevant data protection requirements.

If you want further clarification or information, please contact me at the above address.

Thank you for your co-operation in this matter.

Yours sincerely

Appendix 8

Form to accompany letter to another agency/third party regarding intention to share relevant information

Name of agency:

Access request by:

Position/relationship to applicant:

Contact address:

Telephone no:

I, the undersigned, wish to comment on the provision of the enclosed information to your client [name] as follows:

- Please advise us of your views and reasons on whether the enclosed information should be shared with [name] as part of the response to the SAR.
- If you would like us to redact or edit any part of this document, please indicate what you would like redacted/edited and your reasons why.
- If you would like us to withhold the entire document, please explain your reasons and, if you consider that this is exempted under the Data Protection Act 2018, the relevant sections.

If the author of the information is no longer in your organisation, please ask the relevant person with authority to advise us of any objections to disclosure on behalf of your organisation.

Signature

Date

PLEASE RETURN TO THE PERSON IDENTIFIED IN THE ACCOMPANYING LETTER.

Appendix 9A

File report of access to records meeting

Name of adult care leaver:

Ref/Case number:

Venue of interview:

Address and contact telephone number:

Name of social worker/ARO:

Date of meeting:

Adult care leaver's identity confirmed (give details):

Access to records leaflet received:

Time taken:

Whether adult care leaver is accompanied and, if so, name of person:

Schedule of information and documents given from the case records:

Photos/original documents/file materials

Other (archive information on homes, etc)

Third party information deleted/information from third party/information about third party:

Non-recent abuse/safeguarding issues:

Did adult care leaver allege abuse or poor care while in the care of [agency] or talk about any safeguarding issues? If YES, attach details on separate sheet.

Full report of interview:

Medical information requested/provided:

Consent obtained to send records to GP?

Date sent:

Follow-up work:

Signature and print name:

Appendix 9B

Example of issues to be covered in face-to-face meeting/communication with adult care leaver

- Dates of meeting and with whom (including name of any person who accompanied the adult care leaver):
- Name of applicant:
- Date of birth:
- Confirmation of identity:
- Details of documentation seen – passport, utility bill, etc. (At least one piece of identification must include a photo of the applicant.)
- Present circumstances and relevant personal details:
- What information are they hoping to receive from records? For example, background information, places they lived at, re-establishing contact with family members or significant others.
- What information have they received from records previously, if any?
- What information, if any, do they have about their background and time in care?

Care experience

- What has their experience been? What information have they been given about their family background and reasons for coming into care?

Preparation for accessing information

- Has the adult care leaver thought about the different kinds of information that may be in their case record? Is there any information in the record that may cause them to be upset or distressed?

- Reaction to records: pleased, disappointed, accepting, angry, etc; disagreed with what was recorded? Was any contentious information shared?
- Does the adult care leaver want to re-establish contact with family members or significant others?
- What are their hopes and expectations?
- What could be the benefits and drawbacks of these? For example, if the adult care leaver is hoping to locate and contact family members or people with whom they were in care, it can be helpful to consider some of the emotional implications and impact by raising various issues and scenarios they might encounter.

Outcomes/action taken

- For example, note any further actions and support that may be required, such as what can be offered if the adult care leaver wants to find family members with whom they have lost touch. Have you provided the adult care leaver with information about other organisations they may want to contact and further networks and resources that may be useful to them?

Issues/concerns

- Are there any particular issues that need to be addressed? Are there any serious concerns about the adult care leaver or any other people as a result of disclosing information?

Information withheld

- Use this heading to give details of any information not shared and the reason for deciding to withhold this. Usually it will be sufficient to record "third party information redacted, see attached sheets for details". However, where there is a "grey area"/contentious decision, it is important to record this decision to share or not to share, the reasoning behind it and the name of the person who holds authority to make that decision. Discussion with your line manager should be noted and, where relevant, any involvement of a senior governance officer or data protection officer.

Receipt of records

A signed form confirming receipt of records is on the file.

Signature:

Status:

Date:

Appendix 10A

Template for letter to adult care leaver in response to a request for records by post

Dear

Re: Sending your care records by post

Following your recent request for your records, I am writing to explain our procedure for sending copies of your care records information by post.

We prefer to share care records in person because of the sensitive and personal nature of such records. The feedback we receive is that many people find that our involvement helps them to understand and make sense of the information recorded. If you wish to arrange an appointment, please contact me. I am enclosing a leaflet that explains this service in more detail.

However, some people wish to receive copies of records by post. In order to comply with the Data Protection Act 2018, we ask for the following:

1. That you send us [here, insert documents and other ID checks required by the organisation's verification procedures]. Examples of what would be acceptable are printed at the bottom of this letter.
2. Your signature on the enclosed form, which is your assurance to us that you understand that you are responsible for your own welfare in connection with anything you may find in your records. Please complete and return the enclosed form. We will be happy to advise or assist in any way we can if asked, after you have received your records. This may include suggestions regarding organisations in your area that may be able to help.

I look forward to receiving the documents requested together with a phone number where I can contact you to ascertain the best time to send your records, which will be sent by registered post. This means that you will have to sign for them. If sent by courier, that person will ask you to sign for the package.

Yours sincerely

Examples of proof of identity (originals or photocopies can be sent)

Please send two of the items listed:

- utility (gas/electric or council tax (last six months)) statement or bill
 - passport
 - photo travel card or driving licence or NHS card
 - bank or building society letter or statement (last six months)
 - rent book with entries in last six months or mortgage statement
 - item of official correspondence addressed to you, such as from solicitor, council, police or similar
-

Request form for copy records to be sent in post, to be completed by adult care leaver

I [name] confirm that I have asked for all the care records about me held by [organisation] to be sent to me by registered post. I do not wish to see a member of [organisation name] staff or any other identified person to provide advice or support in receiving the information on my care records.

I take full responsibility for my own action, well-being and welfare in receiving my care records, but understand that I will still have a right to ask for help and advice at a later date, if I wish to.

Full name:

Signature:

Date:

Appendix 10B

Alternative template for letter to adult care leaver requesting records by post

Dear

Further to our recent telephone conversation, I am writing to you about your request to have copies of your case records sent to you by post. The Data Protection Act 2018 requires us to provide these to you, but we are also responsible for making sure your personal information is delivered to you securely.

We prefer to meet with people because sometimes records may be difficult to read if they are handwritten and include a lot of abbreviations. They may also contain judgemental comments with language and words that can appear very harsh and prejudiced by today's standards. Some information may be distressing to read, for example, details about your childhood and family that may conflict with what you already know.

We will try to provide records sent by post in as helpful a way as possible to meet your needs. This includes putting the records into a historical and social context, and explaining the policies and practices at the time you were in care. Reading records may bring back painful memories that have been put aside through the passage of time, and some people find it helpful to talk this through with a worker. If this is the case for you, please get in touch.

We are now in the process of preparing your records. Please confirm in writing that you wish to receive copies of your records by post, enclosing the documents required [insert verification checks required]. If you have any queries, please do not hesitate to contact me directly [provide telephone number and/or email address].

I look forward to hearing from you.

Yours sincerely

Appendix 11

Suggestions for an evaluation of service received by adult care leaver

Name of applicant:

Worker involved:

Date information shared:

At:

Signature:

Date:

PLEASE RATE YOUR RESPONSES

1 = Very good; 2 = Good; 3 = Satisfactory; 4 = Poor; 5 = Very poor

1. Was your request dealt with promptly? Were your records disclosed within the one calendar month period required by the Data Protection Act 2018?
2. How clearly did the worker involved explain the process of obtaining your records?
3. Were you kept informed throughout the process?
4. Were the documents you received clear?
5. How helpful was the service and the worker when dealing with your request?

ANY OTHER COMMENTS: we welcome suggestions as this helps improve our service.

Do you think any information is missing from your records? If so, what information and from what period of time?

Please send me (tick if required)

- Further enquiry form
- Complaints form
- Record amendment form