

Scottish Child Abuse Inquiry

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Practice guideline on records

This practice guideline provides information for organisations that hold records which may be of interest to the Inquiry.

This guideline is not a request for records from an organisation. It gives indications of what may be of interest.

The guideline is not definitive. Contact the Inquiry direct to discuss any records that your organisation holds which you think may be of interest.

The Inquiry will not give any organisation advice about which records they should retain or destroy. That is not the Inquiry's role. Every organisation has to decide for themselves how best to comply with the law on record keeping and access to information.

Definitions

“Applicant” is the Inquiry’s term for a person who tells the Inquiry they were abused.

“Child in care” includes:

- children in institutional residential care such as children’s homes (including residential care provided by faith based groups);
- secure care units including List D schools; Borstals; Young Offenders’ Institutions;
- places provided for Boarded Out children in the Highlands and Islands;
- state, private and independent Boarding Schools, including state funded school hostels;
- healthcare establishments providing long term care;
- and any similar establishments intended to provide children with long term residential care; and
- children in foster care.

The term does not include:

- children living with their natural families;
- children living with members of their natural families;
- children living with adoptive families;
- children using sports and leisure clubs or attending faith based organisations on a day to day basis;
- hospitals and similar treatment centres attended on a short term basis;
- nursery and day-care;
- short term respite care for vulnerable children;

- schools, whether public or private, which did not have boarding facilities;
- police cells and similar holding centres which were intended to provide care temporarily or for the short term; or
- 16 and 17 year old children in the armed forces and accommodated by the relevant service.

“Child” means a person under the age of 18 years old.

Medical records of applicants

The Inquiry is interested in the medical records of applicants including:

- GP records for the period from the time that the applicant became a child in care until the applicant’s eighteenth birthday; and
- any hospital records for the period from the time that the applicant became a child in care until the applicant’s eighteenth birthday.

The Inquiry will not normally require medical records for any period after an applicant’s eighteenth birthday.

We will not publicise the names of applicants whose records we want to recover. If we want to recover the medical records of a particular applicant, we will contact the relevant health board or other record-holder with a confidential and formal request for those records.

Local authority records

The Inquiry will be interested in some records held by local authorities which relate to children in care.

The following lists are based on retention schedules developed by the Scottish Council on Archives and use the reference numbers from those schedules. The lists are split into those records which are of interest to the inquiry, those which may be, and those records which are unlikely to be of interest.

We will not publicise the names of applicants whose records we are interested in. If we want to recover the records of a local authority about a particular applicant or care provider, we will contact the relevant local authority with a confidential and formal request for those records.

The Inquiry is interested in the following types of records relating to children in care:

Adult care services (ref 1)

- service user files relating to adults who were in care as children, eg respite or community care;

Children and Families services (ref 2)

- register of “looked after” children (ref 02.001.004);
- adoption, kinship care and fostering / approved carers / case files;
- adoption, kinship care and fostering / private fostering / case files – records documenting the monitoring of a private fostering arrangement;
- child protection investigations / case files – on Child Protection Register;
- child protection investigations / case files – not on Child Protection Register;
- child protection / Child Protection Register;
- case file – looked after children, including children freed for adoption but not adopted, fostered children and children on a Residential Supervision Requirement (ref 02.004.001);
- case file – throughcare and aftercare eg pathway assessment, pathway views, pathway plan, reviews of the pathway plan, procedures for making representations (ref 02.004.002);
- service file – residential home / Home Care Service management records – major records – strategy, planning, monitoring (ref 02.007.001);
- service file – residential home / Home Care Service management records – minor records (ref 02.007.002);
- notification records from a residential home to the Care Inspectorate – death of service user, details of medication administered to service user without their consent (or the consent of people authorised to consent on their behalf), the appointment of a manager for a home care service, proposed absence of a manager of a home care service for a continuous period of 28 days or more, proposed changes to management of a home care service (ref 02.007.003);
- children’s home register (ref 02.007.004);
- supporting children / missing children, children’s rights office, other / case files – children not included in other case file categories;

Democracy (ref 8)

- Council and committee meeting records including agenda, signed minutes, major business papers and reports;

Education and skills ref (10)

- Admission and enrolment (ref 10.002.001);
- Assisted Support For Learning for looked after and accommodated children – case records (ref 10.002.006)
- Exclusion records (ref 10.002.008);
- Education psychology files (ref 10.006.004);
- Guidance records (ref 10.006.006);
- Student welfare service (ref 10.006.010);
- Management of schools / Events / log books – log books of school events (school diary);
- Management of schools / identification / visitors – visitor book, visitor log;

Health and safety (ref 13)

- Monitoring / accident and incident reporting / children – accident report or register for accident to children;

- Monitoring / inspections / workplace inspections – Health and Safety workplace inspections;

Human Resources (ref 15)

- Employee files - Discipline – discipline warnings involving children or vulnerable adults;
- Employee files – employee details (posts subject to disclosure checks);

Information Management (ref 17)

- Access to information / subject access requests – where requests relate to children or former children in care;
- Records management / retention schedules – lists of record types used and generated by the Council with instructions for how long they should be kept and what should be done with them at the end of their “lives”;

Legal (ref 18)

- Legal services / litigation / adoption – adoption cases, freeing for adoption, fostering or other cases involving child protection orders;

Leisure and culture (ref 19)

- Archives / catalogues – catalogue of all archival holdings held by the Council;
- Archives / de-accessioning – records relating to the removal of archival materials;

Management (ref 20)

- Enquiries and complaints / complaints case files – records relating to the handling of a customer complaint;
- Enquiries and complaints / complaints log – complaints register;
- Quality and performance monitoring / major records – performance monitoring and review of quality, efficiency or performance of a local authority service or unit, including final reports, best value review, policy review, strategic plan review, operational plan review, metrics and reporting;
- Quality and performance monitoring / inspections – external inspections received in relation to corporate or service specific performance management indicators (PFI) including inspection reports;
- Strategic planning / meetings – senior management – records documenting the preparation of business for consideration by the Council’s strategic management group or senior management team, and the record of discussion and decisions including agenda, reports or papers for consideration, minutes;
- Strategic planning / operational service planning / meetings – operational service planning – records documenting business preparation and decision-making, including agenda, reports or papers for consideration, minutes;
- Strategic planning / service policies and procedures / major records – final or signed policy statements;
- Strategic planning / service policies and procedures / preparatory records – drafts and other documents used to formulate policies and procedures;
- Strategic planning / service policies and procedures / procedures – directions for carrying out tasks;

- Team management / operations and correspondence – routine correspondence between manager and team members, routine office planning not covered by formal service planning such as desk maps or plans;

Risk management and insurance (ref 24)

- Claims / claims processing / minors – claims records involving minors;
- Enquiries / public liability enquiries;

Other records

- Wartime evacuation of children
- Social work committee minutes
- Education committee minutes.

The Inquiry may be interested in the following types of records relating to children in care:

Adult care services (ref 1)

- Residential homes / management / major records – records relating to adult care homes which took over from children’s establishments;

Children and families (ref 2)

- Case files – young offenders – records of court procedures, action plan orders, implementation of orders, reparation orders, supervision orders, probation orders and referral orders (ref 02.013.001);

Criminal justice (ref 7)

- Case files relating to adults who were children in care;

Education and skills (ref 10)

- Integrated children services – pupil records (ref 10.002.010);
- Pupil progress report – personal pupil record (ref 10.002.014);
- Individual records of pupil welfare needs – absence reporting covering attendance and truancy incidents (ref 10.006.001);
- Pupil records (ref 10.006.007);
- Report cards (ref 10.006.008);
- Additional support needs records – including support service (ref 10.006.009);

Information management (ref 17)

- Access to information / section 29 requests – requests for information made under section 29 (crime and taxation) of the Data Protection Act 1998, including initial requests, response, related correspondence and other supporting documentation;

Procurement (ref 22)

- Contracting / contract management / ordinary contracts – contract management files – includes contract award letters and agreements, post-tender negotiations, service level agreements, compliance reports, performance reports, variations to contracts (revisions, extensions);

Risk management and insurance

- Risk management and business continuity / planning – business continuity / emergency response planning, including approved plans, training programme development and delivery;

Other records

- Legal files relating to guardianship.

The Inquiry has no likely interest in the following types of records relating to children in care:

Adult care services (ref 1)

- Supporting adults / welfare rights / case files;

Consumer affairs (ref 4)

- Investigation / inspections and monitoring / surveillance / CCTV;

Council property (ref 5)

- Maintenance / inspections / property;
- Property acquisition and disposal / acquisition / purchase, donation, transfer or lease;
- Property and land management / inspection and enforcement;
- Property and land management / inspection and enforcement / investigations;
- Property and land management / security;
- Property and land management / security / staff passes;
- Property and land management / security / visitor passes;

Education and skills (ref 10)

- Attendance records (ref 10.002.007);
- Individual education plan – formerly known as Record of Needs (ref 10.002.009);
- Leavers survey (ref 10.002.011);
- Additional support for learning transport requests (ref 10.006.002);
- Class lists (ref 10.006.003);
- Management of schools / contact with families and carers;

Health and safety (ref 13)

- Risk management / risk assessments / activity;

Managing tenancies (ref 14)

- Tenant file (ref 14.006.001)
- Housing / housing provision / homeless / permanently housed;
- Housing / housing provision / homeless / not permanently housed;
- Housing / housing provision / temporary accommodation / lease;
- Housing / housing provision / temporary accommodation / hostel / bed and breakfast;

Transport and infrastructure

- Client transport / school transport / planning;
- Client transport / school transport / pupil transport requests.