

Access to your social care files (social services files)

You have a legal right to access your social care file(s). The Data Protection Act 1998 provides for you to access your file(s) from your time in social services care. You will need to make a written application to the council that was responsible for your time in care.

The CLA can try and help you apply and to do so we will need to know which council was responsible for you when you were in care. Where was your social worker based when you first went into care? This information is important as this will be the social services department responsible for your file(s).

Once we have this information we can identify the person you must write to requesting access to your social care file(s). Your written application for you file does not go to the social services departments. It goes to the Data Protection Team and this team then instructs social services to find your file and send it to you.

Whilst the Data Protection Act 1998 provides for you to access your files this was not always the case. Before then councils did not have to retain files beyond three years after a care leavers 18th birthday, or from the time of leaving care whichever was sooner. Because of this some councils did destroy files and as such some people are unable to locate any file(s). This should not put you off making an application as many files were not destroyed; you just need to be aware. It is also worth noting that historical files were not written as may be the case today and as such opinions expressed by social workers may not fit with your own opinion of yourself and as such it is advisable to have support when you do get to read your file.

The information in the file(s) might be hard to read and you will need to decide if prison is the best place to read them.

Some councils charge £10.00 (this is the maximum any council can charge). DO NOT pay this yet, let them ask for it first and if they do ask for it come back to The CLA and we will speak to them and try to persuade them not to charge (no promises though)!!!!

They have 40 calendar days to give you what you want. The law says they have to take out other peoples' information so names of those you were in care with or names of family will be blanked out. This is called 'Redaction' and means they will read through your file(s) before sending them to you. Other people do not include professionals that write in your file(s).

You need to give them as much information as you have about your time in care (don't worry if it is not exact) and make sure you tell them your full name & names you might have been known as a child, along with your date of birth and your current address.

You will need to provide evidence of your identity – photocopies of your proof of address and photo Id will be okay.

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