

# **Victims and Survivors Forum Consultation on Accessing Records: Summary Report**

March 2020

## Introduction

Engagement with victims and survivors is an important part of the Inquiry's work. It builds on the information we hear through our investigations, our research and through the Truth Project. The Victims and Survivors Forum is open to all victims and survivors of child sexual abuse. It was set up to facilitate this engagement, making it easier to ask questions, make suggestions, and for the Inquiry to gather the views of victims and survivors.

We held workshops with Forum members on the [criminal justice system](#) in April 2019, as well as on [culture change in relation to child sexual abuse](#) in July and August 2019.

In November 2019, we explored the topic of accessing records with 58 Forum members at a series of events around England and Wales. Responses were also recorded through an online questionnaire, which 25 members completed. We asked the Forum questions about their experiences accessing records, the impact of these experiences, and how to ensure victims and survivors have better experiences in the future. This report summarises the key themes that emerged from Forum members' responses. It is structured around these questions and combines the feedback given during events with the written comments we received online.

The Inquiry would like to thank everyone who attended this series of workshops or submitted an online response.

## Background

Records kept by institutions, such as children's homes, hospitals and schools, can contain vital information for victims and survivors of child sexual abuse. They can include details about the nature, length and immediate impact of their experiences. This is particularly critical for those who cannot easily recall the abuse they suffered, whether due to their age at the time, or the impact of trauma. For those who experienced abuse in the home, institutional records can still offer important information about abuse, behaviour and wellbeing when they did encounter professionals. Records can shed light on what action, if any, was taken by the professionals around them. Records are often an important source of evidence for both criminal and civil proceedings. Furthermore, they are commonly needed for victims and survivors to access support services or compensation.

Through our previous work, we have heard that many victims and survivors face difficulties trying to access records relating to the abuse they suffered, or about their childhood. Those who have taken part in our investigation hearings have encountered a wide range of issues, including that records were destroyed, unavailable or were never created. An analysis of previous public reports and

investigations into child sexual abuse, such as those from local authorities, government bodies or other institutions, found that record management is the second most frequently identified area for change.<sup>1</sup> We selected this topic to discuss with the Forum in order to gather more detailed information and hear about victims and survivors' personal experiences.

## **What did we ask the Forum?**

We asked Forum members three questions at the workshops and in the online questionnaire:

1. What is your experience of accessing records about the abuse that you suffered and your childhood?
2. How has being able or unable to access records about the abuse that you suffered (and records relating to your childhood overall) affected you?
3. What steps do you think should be taken to ensure that victims and survivors in the future have an improved experience of accessing records?

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<sup>1</sup> *Interim Report*, Independent Inquiry into Child Sexual Abuse, April 2018, page 13, table 1  
<https://www.iicsa.org.uk/key-documents/5368/view/full-interim-report-independent-inquiry-into-child-sexual-abuse.pdf>

## What did the Forum say?

### Question one - What is your experience of accessing records about the abuse that you suffered and your childhood?

Forum members' experiences highlighted a number of common themes. The majority discussed institutions' negative attitude towards their requests to access records, describing the responses as defensive and insensitive. We also heard about a range of practical barriers that victims and survivors faced when trying to access records. These include the complexity of the systems; records being destroyed or lost, and concerns about the data rights of third parties. Many also referenced the emotional impact of these issues, and we have provided a summary of these responses in question two.

#### *Institutional culture*

1. Most commonly, Forum members described institutions as reluctant to share records. Victims and survivors told us that they encountered a lack of sensitivity and a defensive culture. They often described staff as suspicious of their requests to access records. We heard examples of this adversarial culture causing unnecessary delays. Victims and survivors had been told that institutions were not obliged to share information, or that data had been lost during a transfer from paper to digital records. One individual described their experience as "a war of attrition".
2. Some members said that they had been misled or lied to about the status of records. For example, one individual had been informed that the social care records about them were long destroyed. They were later told, however, that the criminal justice process surrounding the abuse they suffered had relied on information from these records. Another described being given a variety of different reasons for why records had been destroyed, including both a fire and a flood.
3. Occasionally, institutions refused to share records on the grounds that they might be too upsetting for the victim and survivor. This caused frustration and a sense of disempowerment amongst Forum members. Many felt patronised that others were making these decisions without their consent and, often, against their will.
4. Victims and survivors also indicated the positive impact that individual staff can have when they take their requests seriously and treat them with

compassion. We heard that some Forum members were able to access records due to positive, personal relationships with members of staff at particular institutions.

### *Practical barriers*

5. Alongside a general reluctance to help, the majority of members had faced practical barriers when attempting to access records about themselves. These problems were frequently due to how institutions had created, stored or managed records.
6. We heard that the process of trying to access records was extremely complicated. Many victims and survivors felt confronted by a maze of bureaucracy. One member described facing blocks "all over the place"; also commenting that "you need to be a 'sleuth' to find your records". Another individual describing their experience told us that they felt "lost in a roundabout of systems, poking in the dark...there are no signposts. They know you will wear out before they do".
7. Some Forum members' records were not accessible. A small number of survivors of abuse in schools were informed that staff had taken records with them when they left the institution. For others, the relevant organisation had closed down, or was no longer operating from the same site, which had led to records being destroyed.
8. Victims and survivors had also faced issues accessing records due to concerns about the data protection rights of third parties. For example, one individual had staff's professional opinions about their wellbeing and experiences redacted from records about them. It was explained that the institution qualified this as the member of staff's personal data and that it could therefore not be shared. The Forum member explained the result:

"In the end, I got my complete file, which was hundreds of pages long, but almost the entire document had been redacted. There was not a single complete sentence, only random words were visible on each page."

Victims and survivors had also been told conflicting information about their legal rights. One Forum member noted that, "staff often have a misunderstanding of the law around records. It is exhausting...you end up being [like] a qualified lawyer".

9. A smaller number of participants discussed the financial implications of trying to access records. The high cost of, for example, requesting information from

courts had prevented some victims and survivors from being able to access these records.

## **Question two - How has being able, or unable, to access records about the abuse that you suffered (and records relating to your childhood overall) affected you?**

During discussions of question two, we heard about both the practical and the emotional impacts of Forum members being able, or unable, to access records. Many told us that not having records had negatively affected criminal proceedings, civil claims and applications for services or compensation. The process of application was repeatedly described as emotionally strenuous and demeaning for Forum members. For those who were unable to access records, most felt frustrated and that their experiences had been erased. Many of those who were able to access records told us either about their anger at the contents, or about a sense of resolution.

### *Practical impacts*

10. Many Forum members told us that not having access to records had impacted court proceedings. We heard of the frustration and sense of powerlessness that was caused by not being able to pursue justice. One participant told us that "[they] could not bring an abuse case against the social services department and hold them to account, for lack of duty of care, and also placing [them] in harm's way". Some had been able to bring a case to court, but felt that the outcome was undermined by not having access to their records. For example, one said, "If I had gotten my records, the prosecution would have been different". Another told us that they had "gone through all the processes... and the case got quashed due to a lack of information".
11. We also heard that victims and survivors' applications for compensation, or for support services had been adversely affected by not having access to records. For example, many told us that it had left them without enough evidence to seek financial redress. Some had their access to counselling services delayed due to missing health records. One individual told us that they had missed 20 years of "care and treatment". Another Forum member told us that their chronic health conditions were only able to be correctly diagnosed after they accessed their childhood care records. This meant that they had been receiving inappropriate treatment for many years.
12. The majority of victims and survivors discussed how time-consuming the process of trying to access records had been. This was often because relevant records were held at a variety of institutions, such as local authorities, schools and GP surgeries. As also discussed above, institutional reluctance to

share records was cited as a reason for delays. Many victims and survivors told us that they had to follow up on their request a few times before they were able to access records about themselves. An individual summarised their experience by saying, "trying to get everyone to talk to each other, being kept up to date and having to put complaints - [the] onus [is] on you to chase and champion your course".

### *General emotional impact*

13. One of the most prominent themes we heard was that victims and survivors felt that their recovery was dependent on being able to access records. This was often related to a desire to resolve unclear memories of their childhood, or to understand the justification for certain decisions. One Forum member described how "a lack of closure meant being unable to move on and achieve in other areas of life. There is a feeling of perpetual childhood". Another said "it is not just a record or file, it is your past, your history, your life". The desire to understand and contextualise their experiences endured when they had been unable to access records. An individual told us that they felt they had no choice but to contact the perpetrator of the abuse they suffered to get the relevant information about their childhood.
14. Forum members commonly reported very strong feelings of determination and injustice. The majority had a powerful sense of ownership over records about them and felt that it was their right to access information about their lives. For example, an individual said, "My records, my name - being told these were not mine was too much to deal with". Another described their frustration at their lack of control, "the experience of being unable to control one's own records...results in feeling as though there is no ownership of one's own story".
15. Many victims and survivors expressed a sense of unease or discomfort about others accessing records about them. For some, this was related to their personal history being available to unknown staff. One said, "It is faceless people behind a desk reading about you as a victim". These feelings of unease were intensified when Forum members were unable to access the records themselves. A victim and survivor described it being "like someone reading a book written about you and not being able to see it".
16. We heard that the experience of accessing records had left some Forum members questioning their understanding of their own experiences. One victim and survivor made a comparison to 'gaslighting', which refers to a form of psychological abuse in which a person or institution seeks to undermine a victim's memory and perceptions. Another said, "it feels like you are going mad, [it] makes you question yourself, you know you can not remember



everything because of the trauma's impact but because you can not access evidence via records you start to question yourself".

### *Emotional impact of the process*

17. Primarily we heard about victims and survivors feeling dismissed by institutions when they requested access to records. Forum members told us that they were given excuses as to why staff would not share records. For example, we heard from an individual that they were "told the GP's writing would be illegible and that there is no point getting the records as they would not be readable". They reported that this "made [them] feel depressed". Some described being told to "move on" or "get over" their desire to access records about themselves. We heard many times that victims and survivors were made to feel like an inconvenience; one was asked "why is this bothering you?". Some felt the abuse they suffered was diminished or belittled by such treatment: "Applying for police records and being told that only murders had been deemed important enough to digitise from paper records made [me] feel as though [the] abuse [I suffered] was not a sufficiently serious crime".
18. We were told that Forum members found the process of trying to access records retraumatising. One described feeling "completely let down and devastated all over again". Victims and survivors occasionally compared their negative interactions with the institutions who held their records to the treatment they suffered while being abused. Suspicion, blame, and a sense that things were being covered up were common themes to these comparisons. For example, one individual said, "it is as traumatic as the actual abuse. The denial, and making me feel that there was something wrong with me". Another member discussed the impact of suspicion: "having to justify [their] intentions to gatekeepers of records meant constantly having to disclose [their] abuse".
19. We also heard about the profound emotional toll that victims and survivors faced when trying to access records. Most told us that they had been stressed and experienced a decline in their mental health as a result of the process. Some outlined their frustration that a negative experience of trying to access records had taken time and emotional resources that could have been spent on recovery. A smaller number of Forum members spoke about the struggle of having to interact with strangers, with one member explaining that "dealing with strangers when seeking records is challenging, as one of the consequences of child sexual abuse is inability to trust".
20. Victims and survivors informed us of their anger and frustration at the nature of the process. Many felt a sense of injustice and resentment that they were

not able to easily access information about themselves. This was often related to their anger at institutions' primary failure to protect them from the abuse they suffered. For example, one individual commented, "abuse takes your childhood and identity away so not having your records makes you feel angry".

21. Similarly, Forum members discussed feeling scared, insignificant and powerless while trying to access records. One victim and survivor described a "sense of disempowerment while another person controls the content, existence and accessibility of your records". Some interpreted the delays and pushback they encountered as personal failures, which in turn impacted their confidence. A Forum member told us of their frustration that most progress in accessing their records was made when people in positions of authority took action on their behalf. They commented, "I am not as effective as a 'normal person'".
22. Some victims and survivors described derogatory treatment when trying to access records. Many felt that they had been identified as a "problem". For example, one Forum member said "The police treated me like a criminal, shouting at me and accusing me of lying".

### *Emotional impact when unable to access records*

23. Where Forum members had not been able to access records about themselves, there was a strong sense that a part of their identity and personal history was missing. One individual said they felt that their "existence was being denied". For many, this impacted their confidence and ability to achieve closure following the abuse they suffered. This sense of incompleteness was often linked to gaps in victims and survivors' recollections of their childhood, or to a desire to further contextualise their memories. One Forum member described their desire to "fill in the black holes that trauma has left in [their] memory". They added that the details of the abuse they suffered are "a mystery, which is a huge source of anxiety". Another individual also described the impact of not having records about their childhood, "When you do not know the reality, your mind fills in the blanks in a very unhealthy way. [I] imagine horrendous abuse in [my] quest to find reality. Knowing the fact would help me put it to bed".
24. Many victims and survivors told us that, without records, their accounts of childhood abuse had not been believed. Forum members often felt that if they had been able to access this information, they would have had their experiences validated. Some described feeling blamed or responsible for the abuse they suffered where they had not been able to access records.

25. Some victims and survivors discussed feeling resignation and a sense that they should "give up" on trying to find closure from the abuse they suffered. We heard that not being able to access their records felt like the final door to recovery had been closed. One Forum Member explained that "with medical records [about them] being lost, [their] voice was also lost".

### *Emotional impact when able to access records*

26. Some of those who were able to access records felt angry at the contents. Sometimes this was due to the information being heavily redacted. Having records redacted was consistently described as a very frustrating experience, with one victim and survivor recounting how this left them feeling "played with...it screwed [their] mind over". For other Forum members, their anger was in response to the poor quality of records. Victims and survivors often described records as illegible, sporadic or inappropriate. For example, one told us that "the content of social care records felt like another form of abuse; the language was unprofessional and judgemental about [me] and some of the notes were overly brief and not sufficient".

27. Forum members also expressed anger at the information contained in the records. Many gained an enhanced understanding of how they had been treated and were frustrated at how badly they had been let down. We also heard that victims and survivors' relationships had been negatively affected by the content of their records. Some had been left feeling detached from, and angry with, family members. Forum members also commented that their general trust of others, particularly professionals, was negatively impacted by the contents of records. One said "their refusal to [provide my] medical records has led to mistrust in health professionals and therefore [an] inability to access healthcare services when needed".

28. We heard that reading records about themselves had caused some Forum members emotional distress. One individual recalled "as soon as I read [them] I broke down into tears...I was a wreck". Another said "it took over my life and destroyed me to get my records. I didn't have the courage to read all of it". Others told us that records had brought back traumatic memories and left victims and survivors with feelings of hopelessness.

29. Victims and survivors recounted the benefits of receiving records. We heard that this brought a great sense of closure and validation. One Forum member told us, "every answer I get helps move me forward". Many members described how this information had helped them to stop blaming themselves. A few victims and survivors indicated that having access to records had allowed them to progress with legal cases, or applications for compensation.

## **Question three - What steps do you think should be taken to ensure that victims and survivors in the future have an improved experience of accessing records?**

In response to question three, we heard about the importance of institutions becoming more trauma-informed, proactive and transparent. Many victims and survivors discussed the need for records to be of a higher quality and to be kept for longer. Most Forum members agreed that an advocacy service or a central records storage would make the process of applying to access records more efficient and less stressful.

### *Cultural changes*

30. The predominant message from Forum members is that they felt institutions should have a more compassionate and trauma-informed approach to requests for records. One individual remarked that "the whole process should be more human", while another explained that "people reading the records are not seeing the person, just a story on a piece of paper. People need to make that connection that it is somebody's life. [You are] denied the right to fill in the blanks of someone's life". For many, this would mean removing the limits that some institutions place on how often, or for how long, individuals can have access to records. We also heard that a trauma-informed approach would necessitate greater awareness of victims and survivors' privacy.
31. Victims and survivors also told us that they would like to see a more proactive culture within institutions that are responsible for holding records. Many explained their sense of injustice that the onus to track down and retrieve their personal information was on them. We heard the suggestion that individuals should be informed of the existence of records, and their ability to access this information.
32. As part of institutions building a more empathetic response to victims and survivors of child sexual abuse, some Forum members suggested the use of trigger warnings. Some felt that they were not sufficiently prepared for the content of records about them, and should have been warned about the potential for re-traumatisation. For example, one said: "I was so blasé about picking up the records that I had arranged to get them and then head off to work. The reality was...I was unable to go to work. And I spent the rest of the next three days trying to make sense of the record".

## *Keeping of records*

33. Another prominent message was that Forum members wanted records about them to be of a higher quality. This was often suggested in reference to the level of detail that records contained, or the difficulties that victims and survivors faced in interpreting their content. Forum members largely thought that notes should not be handwritten. Some indicated their desire for important records to be checked and verified by multiple members of staff.
34. We heard many calls for records to be held for longer. Most Forum members suggested a life-time limit, and a few thought they should be kept indefinitely. The frustration and resentment that victims felt when they had "missed out" on accessing records by a short period of time was pronounced. Many cited the fact that most victims and survivors do not disclose the abuse they suffered until later in life as a justification for extending the time that records are maintained.
35. Some Forum members thought that institutions with a duty of care over children should be bound by a legal requirement to keep accurate records. A legislative change was seen as the only sufficient incentive by the majority of respondents. A few suggested the use of fines. These ideas were often underpinned by a desire for institutions to be held to account for their role in keeping records.
36. We heard a few calls for institutions to modernise their systems in order that changes and deletions to records could be tracked. The potential for older information management systems to be abused was highlighted by some Forum members. One victim and survivor thought that the use of online storage platforms would have a mitigating impact.

## *Ease of access to records*

37. The majority of Forum members told us of their desire for a central records hub, or advocacy service to support victims and survivors as they process an application to access their records. We heard the following suggestion:

"Someone else should be doing the fighting. A lot of the stress that comes with accessing records is a lack of knowledge about the systems, the processes. Someone knows the process and the language to use, it would be helpful if there were people out there to help [victims and survivors] in their journeys".

A couple of Forum members suggested that this central hub should also offer support to victims and survivors when they are reading their records.

38. Victims and survivors thought that they should have a legal right to access records. Many expressed frustration that the current law around records seemed to empower the institutions over the individual concerned. For example, one Forum member said, "this is about ownership, who do records belong to? The onus is placed on the victim to evidence why they want access".
39. Many participants relayed the view that more transparency was needed about the process of accessing records. There was a general sense that guidance about how to access records was hard to get hold of. Victims and survivors articulated concerns that institutions were poorly informed about correct information management processes. One individual said, "they discount requests far too easily. There needs to be a better understanding of what powers people have".
40. Some Forum members discussed redaction and expressed their opinion that these requirements needed to be reassessed. There were competing views about how these rules should change. Some felt that transparency for the survivor requesting records should be prioritised, while others pointed to the need to balance the privacy of different individuals. However, most Forum members who commented on this issue agreed that redaction should not protect the privacy of abusers, or those who were complicit in abuse.
41. Several responses suggested that the financial costs of accessing records, such as having to pay to see court records, should be removed in the interest of promoting access to victims and survivors.
42. There were some calls for records to be shared between services, and for the approach to accessing records to be more uniform. We heard from a participant that they felt "there should be more joined-up thinking. Police, social services and schools should be working together to share records".

## **What happens next?**

43. The Inquiry will continue to consider how victims and survivors' experiences of trying to access records about themselves can be improved. The information Forum members have provided will, alongside other evidence we have heard, inform the recommendations made in the Final Report.