

Social Services Intimidate Those Who Complain

There have been a number of reports on one of the home education support mailing lists about social services staff intimidating parents who ask to see written records, particularly where parents may be considering a complaint or prior to case conferences. The techniques reported by parents include:

- The appointment is offered the day before the meeting for which the documents are needed, such as a case conference and often at very short notice so that parents might not make the appointment. The SS can then say, “we offered access but the parent did not turn up at the arranged time”. It is then too late to make an alternative arrangement.
- Making an appointment close to the office closing time. This prevents parents from having sufficient time to go through the documents properly (which can easily take 2 to 3 hours) and effectively denies access.
- Simply telling parents that they have no right of access – which, of course, is untrue
- Allowing parents to take notes but not tell them that, for a small sum, they can have copies of all documents to take away; or telling parents that they cannot have copies at all.
- Telling parents that the photocopier is broken (in one case even when the parent could see the photocopier working in the next room).
- Sitting over parents while files are read. (Someone must be in the room to ensure files are not removed or tampered with, but some personnel carry out this duty much more intrusively than others).

One parent reported that the person who oversaw their sight of the records said, almost as soon as she sat down, that the appointment could not take long as the officer had to pick up her child soon. There is often a great deal to read and it's difficult to decide what is important in the twenty minutes parents are sometimes allocated.

Outright denial of access is apparently more common than one might imagine. In a discussion on a mailing list a number of parents revealed that this had been the first response by the records keeper.

Doctor's surgeries can be similarly difficult. One person reported that the notes were pre-selected by the doctor, who removed all the correspondence between himself and the hospital, which meant that most of what was left was unintelligible and useless.

Schools are not exempt either. Another parent, following a request to see her child's records, was briefly shown them on a screen in the head teacher's office while he sat over her. Access to school records can often be important in explaining issues like absences or problems relating to bullying, particularly if parents are trying to construct a formal complaint. Many other parents want their children's school files when they begin to home educate. Not all schools are difficult about this, indeed as far as I can tell it's a small minority and parents need not enter into negotiations expecting problems. But a professional no-nonsense opening might go a long way to preventing issues arising further down the line.

Where intimidation tactics are used, they are clearly intended to prevent parents putting up a decent defence of their position, particularly in regard to case conferences or managing a formal complaint process. Such methods are clearly contrary to the concept of natural justice and can only be countered by having a thorough knowledge of the legislation and perhaps getting a lawyer to

write to the social services asking for copies of the documents in question if you cannot get them by any other means or if time is pressing.

The law is fairly simple on this issue. Generally speaking, you have a right to see and copy anything about yourself. It's advisable to send requests to all agencies who have been involved in a case because each agency will remove third party documents and also because you have a much higher chance of catching out agencies who remove other documents if you spread the net as widely as possible. You can also demand to have factually inaccurate records changed, though this is more difficult if it's "an opinion".

The main ground for refusing access to documents is that they contain something that would do you significant psychological harm if you were you to see it, which should not normally apply in home education cases. They can also remove anything that mentions third parties, such as other children. If they do withhold documents you can call on them to justify their decision, perhaps in court if it comes to it.

All organisation that hold personal data must, in law, have a designated data control officer. It is to this person you should appeal if you believe that your rights have been violated.