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Defining 'proper research': privileged access, local authority archives and the academic researcher

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ABSTRACT

This article sets out a case study of proposed access to approved school records, undertaken as part of doctoral research at the University of Essex, and outlines issues encountered in the process of negotiating privileged access to closed material. It will demonstrate the approaches taken by local authority archive services in dealing with such access requests and make proposals to standardize this route of access for record professionals in the field, and academic researchers. Approved schools operated in England and Wales between 1933 and 1973, with responsibility for around half a million children during this period. Single-sex institutions, the children committed to these schools comprised nine boys to every one girl. Operating outside of the welfare and education systems, and approved by the Home Office, these schools present a complicated institution to define in terms of the management of their surviving records. No two archive services operate like-for-like schemes for privileged access to closed material, and the variety of processes in place across the sector is considerable. This article considers existing requirements, based on experiences during this research, and proposes possible standardization, aspiring to a more consistent approach in terms of required documentation, facilitating further understanding between archivists and academic researchers.

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Between 400,000 and 600,000 children were committed to an approved school during their childhood between 1933 and 1973. Despite operating across the mid-twentieth century in England and Wales, the schools' presence appears to have faded from public memory. The Community Homes for Education model of institutional care, and subsequent iterations have replaced the Approved schools in the collective memory. There are virtually no social workers employed today who were in employment when the approved schools were in operation, and naturally, the particulars of their practice and impact have faded in the professional memory. Looking ahead to 2024, as the Ministry of Justice prepares to open a new secure school, an institution set up to 'provide a custodial setting

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for young people … focused on education and health services' there has never been a more critical moment to consider what can be learnt from the Approved schools.[1]

It is absolutely essential that proper credence should be given to how access is managed to closed collections for research purposes. In a time and place in which we, as a society, are still learning about and from the past experiences of children in the care of the state, research into historic provision through institutional records is vital too. This type of access is distinct from the rights of an individual to access records of their own care, and which is legislated for through other means. The underlying message emerging from investigation after enquiry and review across the twentieth century is that not only is record keeping vital to ensuring a proper understanding of a child's experience in care, but that there is much to learn from those experiences in order to make future provision better. One of the opportunities this type of archival research presents is to draw out new dialogues of families engaging with the state, across a sustained period, to contextualize the experience of the children in the approved schools and develop the understanding of how approved schools fitted into the broader frameworks of social care and welfare in twentieth-century England and Wales. Without research into these collections, it is impossible to have a full understanding of the past, nor what can be learnt from it. Although the observations and examples set out here are both specific and nuanced, nonetheless there are points of learning worth considering here which could be applied to privileged access to any comparable collection of closed material. If such material cannot be accessed, under appropriate conditions and with proper safeguards in place, we run the risk of failing yet again to properly understand the past.

Approved schools: a short history

Approved schools for girls (and boys) operated in England and Wales, and in Scotland, between 1933 and 1973, though it should be noted that this article focuses entirely on schools in England. Approved schools replaced the Industrial and Reformatory schools of the Victorian and subsequent eras after the 1933 Children & Young Person's Act and operated without much review until they were phased out after the 1969 Act of the same name, which brought in the Community Homes for Education in place of the schools. The schools remained largely unchanged in scope and scale for the duration of their operation, and across this period, around 250 individual schools operated for some or all of that time. They served as a last port of call for children and young people appearing before the Juvenile Court, and took children who had been convicted of crimes that were they adults, they would be imprisoned for, and/or who were subject to care or protection orders (care or control orders after 1964). These schools had a population of between 10 and 15,000 children at any given point in this period, and their students were, on average, comprised of nine boys to every one girl. They were single-sex institutions, and operated outside of both the social welfare and education systems. 'Approved' by the Home Office, these schools present a complicated institution to define in terms of the management of their records.

Although the Ministry of Education did propose taking over the responsibilities of the Children's Department at the Home Office in the aftermath of the Curtis Report in 1946, and subsequently the Children's Act 1948, this was stridently rejected by the contemporary Home Office who continued to oversee the approved schools until their demise in

1973. Despite the passing of several key Acts of Parliament relating to the care of children during this period, the approved schools operated in very much the same shape and form for the duration. Many had been industrial or reformatory schools prior to the 1933 Act, and in a number of cases, retained the same premises, the same staff and for the early years, some of the same pupils. It is little surprise that the approved schools perpetuated many commonalities with their predecessor bodies well beyond the Second World War. If anything, the approved schools were able to build on the process of mass evacuation during the Second World War, which normalized the removal of children from their parents for the sake of safety and well-being. As the Welfare State established itself after 1947, the Juvenile Court was empowered (if not encouraged) to remove children from the care of their parents and into the care of the state, embodying the interventionist model of social welfare which blossomed during this period.

Even during their lifetime, approved schools sat somewhere between the mainstream education provision, social care and the adult prisons and borstals. Most local authorities will have had an approved school within their geographical collecting remit. All local authorities will have had children from their geographical collecting remit attend an approved school during this period of time since access to such an institution by local authorities was mandatory. The provision for boys was divided into junior (under the age of 13), intermediate (13–15) and senior (15–17) schools for the duration of their operation, while girls were divided into junior (under the age of and including 14) and senior (15 and older) until 1948 when the intermediate schools were introduced for them as well as per the boys, and all the schools operated under the same terms with regard to age thereafter.

In 1943, classifying schools were introduced. Prior to this, a magistrate committing a child to an approved school had to name the school in court, whereas this new development saw all committed children sent to the classifying schools, in order for them to be assessed for the most appropriate institution for their particular needs. Regardless of the rationale for committal, whether for criminal offences or because the child was the subject of a care or protection, later a care or control order, children were subject to the same daily routine once they entered the school, and this included daily attendance at a local school up to the age of 14 (up to and including 1944) and 15 thereafter to continue their education. Very few girls in the approved schools went on to take formal qualifications such as the School Certificate, or after 1951, CSEs or O-levels. The approved schools were open establishments, and children were able and encouraged to engage with the local community to a certain extent, particularly with the local church, although the majority of approved schools for girls were not run by religious organizations. Most children committed to an approved school were sent for three years, or until their sixteenth birthday, or eighteenth birthday if they were committed over the age of 16. If a child's behaviour was good during her time at a school, she would generally be permitted to return home to her family at Christmas, Easter and at some point, during the summer holidays. For girls who were unable or unwilling to return home, holidays as a school community were often arranged. Children were licenced for three years after their committal to the school ceased, unless a girl married, at which point her licence was discharged as she became the responsibility of her husband. The same did not apply to boys, however and their licences continued even if they married. Licensing was conditional upon a track record of good behaviour. Some children who were committed to the

approved schools, especially if under a care or protection order, spent upwards of five years in a school.

Children who were committed to an approved school may not recognize the time they spent in the school as being 'in care,' and certainly, approved schools occupy a contested and complicated position in the history of institutional care, a halfway house between children's homes and borstal, neither one nor the other. This is compounded by the way the approved schools have faded within public and professional memory. Contemporary understanding of this complicated institution which never sat comfortably across its responsibilities is, as a general rule, limited.

Accessing records

To write the history of approved schools, or any other equivalent or comparable institution, historians need access to their records. This raises a number of questions in planning and proposing research: what records were created, and by whom? Have these records survived? Who may access them and under what conditions? Has provision for access widened in recent years and what effect has this had? In some local authorities, the records of the approved schools are treated as school records, while in others the records are held amongst the records of the social services' departments, although few individual files on the children committed to the schools appear to survive within approved school collections. A briefing paper issued by the Association of Directors of Social Services in 2000 observed that

> the post war childcare scene was dominated by a legislative framework of which only the Children and Young Persons Act, 1933, and the Adoption Act, 1976 are the significant survivors today. The requirements for record keeping and retention set out in these were significantly different from those now in force, and they are the key reason why individual files on many children formerly in the care of local authorities or the former Approved School system have been destroyed.[2]

This is not to say that files on the children in their entirety have been destroyed, but for this period in time, records documenting a child's life may be interwoven within the archives of several different institutions and organizations. The same briefing paper went on to explain that 'the significance of the Children and Young Persons Act, 1969, is often lost in this context. It can be particularly important in relation to records and their location.'[3] The 1969 Act abolished the former approved school system and created a single management regime of 'Community Homes' covered by the Community Homes Regulations (1972). From 1973 onwards, some former Approved schools became owned, controlled, or assisted community homes with management committees or boards of managers, while others closed. These changes have particular significance for the creation and destruction of records, and the responsibilities of local authorities and Directors of Social Services. Where approved school records do survive, it is almost always in the shape of administrative records, usually admission, discharge and licencing registers and the formal minutes of the management committee for the respective school.

The importance of good record keeping within social care has been highlighted in official reviews across the twentieth century. This research was undertaken in a professional sphere, the operation of which has been influenced, directly or indirectly,

by a variety of recent (and historic) scandals in the social care of children. Throughout the twentieth century, from the death of Dennis O'Neill in 1945, and Maria Colwell in 1973, to the more recent deaths of Victoria Climbié in 2000 and Peter Connelly in 2007, failures in record keeping have been highlighted over and over again in official reports concerning children who are acknowledged to be or to have been at risk. It is understandable that those charged with the care of such important records are risk averse. This is compounded by contemporary advice from the Home Office to the approved schools, which did not consider their records to be public records, and many records were never deposited and are presumed lost or destroyed.[4]

Since the closure of the approved schools, expectations of record keeping and record retention in comparable contexts has changed dramatically. Although the legislation was not applied retrospectively, nor realistically could it have been, modern expectations of responsible record keeping far exceed the provision made by the approved schools for the children with whose care they were charged. Today, and since the 1980s, the records of looked after children must now be kept for 80 years from date of birth. Many services go beyond this, and work on a hundred-year basis. However, the extent to which a committal to an approved school was considered social care during the time of its operation is a subject for discussion, but most local authority archive services which hold these records preserve the surviving records on the same terms as their broader social care collections. With various pieces of legislation and guidance in mind, the Data Protection Acts (1998 and 2018) and the General Data Protection Regulation notwithstanding, most records of an approved school are closed for 100 years, owing to the need to protect 'personal information and information linked to identifiable living individuals.' [5] Guidance on the subject in 2019 stated that The National Archives (UK) (hereafter TNA) and the Advisory Council advocate 'a closure period of "lifetime" of the data subject. This assumes a lifetime of 100 years but will be graduated down from the age or assumed age of the individual in the record.'[6] Further guidance released by TNA after the enactment of the Freedom of Information Act in 2018 states that

> other data protection purposes interrelate with archiving purposes in the public interest such as … historical research (any research done with archive collections will be 'historical' in its widest sense), and freedom of expression and information may also be relevant to archives, either instead or in addition to archiving purposes in the public interest, but this guide does not cover them.

This lack of counsel pertaining to historical research is far from helpful for those on the ground, seeking to interpret and apply legislation and guidance in day-to-day practice. The same guidance goes on to observe that 'there is also an ethical consideration to protect the privacy of people mentioned in records whilst they are alive' but does not give any indication of what is meant by 'ethical consideration' nor how that should be assessed.[7] One concern raised is where a researcher might inadvertently come across the records of an individual known to them. This is an occupational hazard for any records professional who lives or works in an area they are familiar with too. In short, this is of course, possible, but the appropriate reaction must be personal discretion to stop the moment a personal connection is realized, as that would inevitably be a conflict of interest and could not be used in research, in all conscience.

This reference to ethics is of particular significance in the context of academic research, which is the focus of this article. Students undertaking postgraduate research, or researchers attached to an academic institution or in receipt of research funding should be able to provide an ethical approval from their university concerning their research, particularly where it relates to individuals who are potentially still alive, and record keeping professionals should ask for such reassurance. An undertaking of an ethics review within a university framework not only confirms the terms of an individual's research but sets a standard to which a student must adhere. That standard not only behoves compliance from a student but couches it against the reputation of that student's supervisor and the university at which they are a student. Ethics reviews are stringent and serious. They are not undertaken lightly, and no student should baulk at being asked for such a document. Being able to account for the ethics of one's research should go some way to allaying fears concerning permitting historical research while complying with data protection rules, and it is not unreasonable to suppose that professionals should be reassured by such a provision. A breach of such an ethics review would not only reflect poorly on the student in question but also on their supervisor, who guarantees it and upon their associated academic institution. This is not to suggest that access by non-academics should be ruled out. Rather, it suggests one mechanism for validating research credentials, which could satisfy an archive seeking verification.

Privileged access

Historical research, with appropriate ethical caveats and anonymous data recording protocols which are critical to ensure confidentiality, can support steps to enable social justice and facilitate social inclusion, health, and well-being for those who experienced childhood in social care. Researching this type of history is fraught with sensitivities, not least of which is working with the awareness that the children whose lives are documented in the records you are working on may not be aware they exist, much less have had access to them. In a field so little studied in any capacity, be that historical, sociological, or criminological it is nonetheless important and valuable work. Coupled with archival autonomy, multiple agencies in the formation of records and archives, and an associated suite of rights in records for children in Care and their adult selves . . . is the aim to explore agency now and into the future in historical representations, narratives, and dialogues, particularly in support of historical justice and reconciliation at individual, community and societal levels.[8]

Building on this premise, if the archive and record keeping infrastructure are to enable social justice and facilitate social inclusion, it must also make adequate provision for research access, including historical research. As a profession, we cannot speak of supporting justice and reconciliation if at the same time we prevent historical research being undertaken. Without historical research, we cannot fully understand the current system and its origins, and as the approaches to the care of children in the juvenile justice system make an about-turn back to the secure schools of the pre–1973 era, it has never been more important to ensure that proper understanding of these schools and their contemporary systems is facilitated. Approved schools sat at the centre of the juvenile justice system for upwards of Forty years. It is inconceivable that these institutions have not influenced current policy and practice in dealing with children and young people, yet

limited work has taken place on these institutions. Such archival research contributes to our understanding of historic practice within the youth justice system, which in turn must be taken into account if this history, and the reform of youth justice in England and Wales are to be properly understood and contextualized. As Goldson suggests, this

> "longitudinal excavation and analysis of youth justice reform not only enables us to situate and to understand the present but – if those with power care to heed – it might even serve as a basis for crafting policy into the future."[9]

The subject of privileged access by researchers comes up infrequently in professional discourse, in both the fields of archives and history. There is an occasional article concerning material held in international archives, such as Ngulube's thesis on access to local authority archives in South Africa, which considers all aspects of access, down to the long-term preservation of archival material in the country. Further to this, the subject occasionally comes up in wider discourse concerning files held by government departments, namely the Foreign Office and the Security Services. Holmes wrote about the movement of files between ministries and government departments, and the Public Record Office in 1981, while Duchein touched upon the subject in his 1992 opus on the development of the archival profession in Europe. Neither had this context of social care records within their grasp, however, and it was not until Flinn et al., and subsequently the Memory—Identity – Rights in Records—Access (MIRRA) project began to publish, that this was discussed in any detail in the professional discourse amongst record keepers. Flinn et al. focussed on the role of the record keeper in the preservation of community archives rather than privileged access, but the work built upon Carter's work on silences in the archives. Carter argued that silences are, in part, the manifestation of the actions of the powerful in denying the marginal access to archives and that this has a significant impact on the ability of the marginal groups to form social memory and history.[10]

Evans et al. make a strong case for the value of research within the archives of social care systems, advocating for the investigation of 'frameworks, processes and systems that work in the interests of those who have been shown to be damaged by systemic failures in archiving and record keeping in Out-of-Home Care regimes.'[11] And this is not just in terms of access for an individual to their own records.

> There is increasing awareness of the role that records, archiving, and record keeping play not just in documenting childhood Out-of-Home Care experiences for accountability purposes, but in social, emotional, and physical wellbeing. Children who experience Out-of-Home Care need quality record keeping and archiving systems for identity and memory purposes; to account for their Care experiences; to prevent, detect, report, investigate, and take action against child neglect and abuse; and to enable perpetrators to be brought to justice.[12]

This broader perspective clearly speaks to the wider value of historical research in the records of social care institutions, such as approved schools. There is much to be built upon and learnt from these types of records, as Evans et al. suggest.

Approaching archives

In order to locate a range of approved school records in this research, a list of schools for girls was created, drawing on resources such as *Discovery*, TNA's catalogue, the London Gazette and the workhouses.org listings in order to pin down operational information. No

such list exists in any other capacity. This list was then sorted to determine which schools operated for the longest period and assessed to work out which archive any surviving material might have been deposited with at the point of closure. Where schools were not run by an independent or charitable organization, the working assumption was made that the local authority was the most likely final destination for any surviving material, given that many schools closed in 1973 and most local authorities in England and Wales had functional archive provision at that point in the twentieth century. Where possible, schools which had operated for the longest period were prioritized for selection, and the nearest relevant local authority archive services were approached to confirm this theory and determine the way that access might be negotiated. These schools were located across England and in preliminary correspondence, confirmation of the location of the records for these schools was the primary goal. The secondary goal was to determine whether it would be possible to negotiate access to any of the records of the schools, and what process would need to be followed in order to arrange this. The records requested were (where possible) administrative records, specifically the Home Office admission and discharge registers, and where possible licencing registers, punishment books and any other surviving administrative material. In addition, enquiries were made about operational records including statistical returns, and reports and management committee papers.

The purpose of this article is not to name or shame particular services, and all services have been anonymized. All of the archive services to whom research requests were made are staffed by competent professionals doing their best, often in difficult circumstances. This article, if anything, demonstrates why it is so important firstly, to have functional relationships between archives staff and broader social services teams within local government structures, and secondly, why empowering archive staff to make decisions about access through deposit agreements is so valuable to researchers. It is worth pointing to the current and contemporary context of this piece of work. This research commenced formally in the autumn of 2017, 18 months after the Independent Inquiry into Child Sexual Abuse was established as a statutory inquiry in England and Wales, in the aftermath of numerous social care scandals, including the Serious Case Reviews and related criminal proceedings which took place in Rotherham, Rochdale, Derby, Aylesbury, Oxford and Bristol, to name but a few. The inquiry was convened to consider the growing evidence of institutional failures to protect children from child sexual abuse and exploitation across a variety of care institutions, and to make recommendations to ensure the best possible protection for children in future.

Correspondence with the services in question quickly fell into two camps: in the first, the service was able to confirm that they did not hold the records of the school in question and were unable to ascertain their present whereabouts, if they did survive. While unfortunate from the perspective of a researcher, this had to be accepted. Archivists are tremendous professionals with a manifold range of skills, but it is unreasonable to suppose that even they can magic records out of thin air. This covered several schools in three local authority areas, which resulted in negotiations continuing with eight different local authority archives. No further enquiries were made with these services, and they are not included in the anonymized statements which follow.

In the second group, responses were somewhat more varied; initially eight local authority archives services believed that they held pertinent collections. All eight services required paperwork of some kind before confirmation (or not) of holdings took place. Further down the line of dialogue and discussion, two services confirmed that after subsequent investigation the records were in fact not in their collections and the records were not known to have survived. This, while frustrating, was at least a definitive answer. This left six local authority archive services whose staff were able to confirm quickly that they did hold records for the schools in question. The range of requirements set out by these services in order to negotiate access material has been very varied. Bearing in mind that this is, broadly speaking, diplomatically identical material, and that access is being sought to all of them under the same piece of legislation, it is intriguing albeit frustrating that the requirements are so different between the different services, and this lack of commonality results in a huge amount of work for a potential researcher. Two services were able to confirm straight away that they were aware of the location of the approved school records sought in the enquiry, and that, in principle, it should be possible to negotiate privileged access with appropriate paperwork in place. Four services required further evidence that the request was for 'bona fide' research, though the evidence required for each was slightly different, and once this was supplied, they could confirm that they knew of the whereabouts of the collections. One of these four services required me to negotiate with the local authority's records management service direct, and a second negotiated with them on my behalf.

Each archive service (bar one) had an in-house privileged access form, as one might expect, but no two forms were exactly the same (See Fig. 1). In addition to the completion of this form, in several instances lengthy email and telephone correspondence was entered into in order to clarify matters such as the return of form, what timescales each party was operating to, and so forth. Once this was returned, all services then required the submission of further details relating to the documentation of the research, i.e. how the data would be stored, whether a copy of the thesis would be available to the service once the work was completed, and how the data would be processed. One service also insisted on the submission of a Freedom of Information request, at the behest of the Social Services team, which seemed entirely futile since it would have been wholly inappropriate to release material to any researcher in these circumstances under the terms of the Freedom of Information Act.

Local Authority	Research Access Form (internal)	Data Protection Form	Ethics Review	Statement from supervisor	Letter of Reference	Statement r.e. anonymity	Other documents
1	X	X				X	X
2		X	X				X
3	X	X	X		X		
4	X	X	X				X
5	X	X		X			X
6	X	X					
7	X	X					X
8	X	X	X		X		

Figure 1. Requests for different pieces of documentation from archive services.

Other documents requested by different archive services included a copy of the doctoral proposal for the research, as approved by the university. Four services requested a copy of the ethics review undertaken at the outset of study. One service did not want to see details of the University's ethics review of my proposed research and methodology but required me to make an additional submission for their records confirming that if granted access, any recording made from the records would be anonymized fully. Two services requested a letter of introduction from the department in which the doctoral study was being undertaken, signed by the doctoral supervisor, which verified credentials and reiterated the guarantees set out in the ethics review. For four services, a combination of all of these was required before the service would confirm that they definitely held the records. On an individual basis, none of this is unreasonable, but the scale of this when undertaken for more than one institution, particularly common in academic research which routinely requires evidence from a variety of sources to prove a point, can be significant and arguably, act as a barrier to legitimate research. In this case, the shortest time it took to negotiate access was two months, and the longest stands at five years and counting.

In negotiating access through two services, repeat enquiries had to be made with the modern records service in order to establish that the records were held there, as opposed to with the archive service. For several services, relevant permissions from local departmental bodies had to be sought. One service required a separate letter to the Caldicot Guardian for the area from the University, verifying information which had already been provided to the archive service. Negotiations are ongoing with another Caldicot Guardian, who communicated concerns verbally that 'allowing research access to the material would infringe a 'duty of care to the dead under the Data Protection Act.' This mixed metaphor of access legislation raises a number of questions. It also puts archive staff in the difficult position of having to communicate decisions which they may not agree with, or in this instance, believe to be an accurate interpretation of the legislation. However, since there is no recourse to appeal a Caldicot Guardian, there remains little to be done here.

It is not unreasonable to engage a Caldicot Guardian with such a research request. However, as referenced above, in one example cited here, the delay has two routes. Firstly, the local Caldicot Guardian, the social services team and the schools service cannot agree who should grant permission, none of them will lead on this, and so no decision has yet been made. This was held up in the first instance because the letter sent by the archive service to the teams requesting a decision was returned to sender three times before the correct individual (and their address) was identified. The council department in question had never let the archive service know that they had moved, and proved difficult to track down, a significant concern in a publicly funded body which creates public records.

In a final example, over 40 emails were exchanged, and over 7,000 words of forms filled in before the application was rejected in a three-sentence email. When clarification was requested, it was refused, and so an FOI request for the related correspondence and the minutes of the decision meeting was made. It turned out that the panel hadn't actually met —the decision was made over the phone—not what was communicated. It also transpired that the Modern Records team did not believe that doctoral research was 'proper research' nor 'in the public interest' as defined under GDPR because there was no guarantee of publication at the end of the research.[13] In all the examples listed above, where the collections were in the care of the archive service, rather than with another service, usually

modern records or a specific social care archive, the archivists were empowered to make a decision themselves once the evidence they required was provided.

The notion of 'proper' research merits further discussion. This is not a term used in either legislation or in accompanying guidance. Guidance from TNA states that 'access for … historical or statistical research may be possible within the safeguards.'[14] That is to say that legislation does allow for research access. However, neither guidance from TNA nor from the Information Commissioner states how 'historical research' might be defined, and while that may have intended a freedom in allowing organizations to assess this for themselves, this experience suggests that this has resulted in confusion around when research is historical enough to qualify. Without any particulars to frame this definition, there is no way to measure undergraduate research against postgraduate, for example, or to qualify the work of an interested individual with no institutional backing. It results in a potentially frozen situation where it is impossible to point to any useful definitions in negotiations with colleagues in other areas of a local authority, such as the contemporary social services department, or with a Caldicot Guardian, for example. In this case, preliminary enquiries were made by email, from an academic email address. There is only so much credence necessarily given to such a detail, but it does at least immediately connect an individual to an academic institution. It is worth noting that most universities expect their postgraduate research students to maintain a page of basic information on their departmental website, which again gives a useful point of reference in ascertaining the validity of an approach concerning research. Clearly, this is not the only way to check out a researcher, something which inevitably happens, but it could be a useful point of reference in building a profile of an individual, though this only applies to students at postgraduate level and staff employed by such an institution. Since it is from that perspective that this piece of work is written, it remains worthy of note.

Additionally, it is frustrating to see research caveated so closely to publication. It places an impossible burden on a researcher, since there is no certainty of publication in any walk of research life. When research is being planned, it is not necessarily possible to state definite plans of publication, though researchers can suggest their intent for their work. Deposit of copies of work can be made a condition of access, for example. Further, if research access is sought early in the course of study, it is likely that publication could not be guaranteed at that stage. Even where grant funding is awarded to research undertakings, it would be very unusual to have guaranteed publication at the end. Publication may be the hope and the intent of the researcher but as with so many things in life, there are no guarantees.

Ways forward

Surviving records for institutions such as approved schools are inherently sensitive, and personal. They may be the only record of a child's presence in that school. That is of central importance. It is worth noting that the voice of the children concerned in these records is wholly absent. The documentation of their lives and experiences, such as those recorded in the predetermined documentary space, is applied to them, and in line with much mid-twentieth-century social care, their individual perspectives on any of the experience are wholly absent from the official record. The recording, the documentation is done to them, rather than with them, as modern-day record keeping for children in

comparable institutions, such as they exist, would expect and anticipate. It is for this reason that it is so important that the ethics of undertaking the research be examined, and therefore it is also important for archivists to feel able and be willing to ask for evidence of a formal, ethical, review, independent of the academic researcher, into the proposed research and association methodologies. An ethics review is a carefully managed process, and ethical approval is not granted unless the university is confident that the methodologies are above reproach. It is important that such processes are understood and respected for the careful and particular processes that they are, and archive services should be encouraged to ask for these documents, particularly where access is to material that is closed, or which might be considered sensitive for a variety of reasons. The protection of the rights of an individual is of critical importance, but research access is also important, particularly where,- as in this example, so little is known about these institutions, in any capacity.

A common form would also be a useful addition to existing guidance, from the perspective of the researcher at the very least, though from a practical point of view, there are such wide ranging expectations from services pertaining to privileged access that it is probably overly optimistic to expect that a common form could easily be determined. Nonetheless, it would be worth considering. It could be a useful addition for many archive services, especially those who receive such requests infrequently. It would also provide a rigorous standard for researchers to adhere to, which is equally important. The complexities of historic geography, and of the provision of social care, as well as the range of children who attended these schools and the variety of organizations who oversaw and ran these institutions make this a complicated case study, but if it would work in this example, it is surely applicable in other examples. It would also be helpful to have a clear definition of what historical research, in the eyes of the law, could encompass. This would not limit opportunities but could at least give a guiding framework to an otherwise wholly subjective interpretation, against which there is potentially no course to appeal.

Extant guidance does note that access must be fair. This is a separate requirement under Principle (a) to that in order to make use of the provisions for archiving purposes in the public interest with its safeguard of avoiding substantial distress and damage. The archiving provisions do not change processing under Principle (a) which requires data to be processed fairly. In data protection terms, fairness is about handling personal data only in ways that individuals would reasonably expect and not using it in ways that have unjustified adverse effects on them.[15]

However, with a limited definition of what 'fairness' might look like, the above suggestions could go some way to clarifying the matter. It would be helpful for researchers and archivists (and allied professionals alike) to have more robust guidance that both groups can turn to, to develop understanding and pioneer better relationships. It could also inform decisions made by funding bodies, if researchers are able to draw on a standard and expectation of practice in this professional sphere. It does not matter whether this comes from TNA, or the Information Commissioner (hereafter the ICO), or another comparable organization, but there is limited point to anticipating reforms to such a route of access if there is no weight behind it. Recent guidance from the Royal Historical Society (hereafter the RHS) has done little to assist in this matter. In an ideal world, TNA might, alongside United Kingdom Research & Innovations (hereafter UKRI), and Universities UK develop

a shared protocol and/or a code of practice for dealing with such research requests for other archives to draw on. Such guidance would further empower record keeping professionals in their consideration of access requests for research purposes, particularly where such requests are few and far between. Standardization of this route would benefit everyone and frame the benefits and expectations of privileged access for all concerned. It would also spell out the expectations of both parties—making this clear cut. Anything that empowers professional staff and provides a clear pathway for researchers can only benefit everyone concerned. There are advantages to decentralization but not if the price paid is confusion and reduced access.

Approved schools played a significant role in the juvenile justice and welfare systems during the twentieth century, yet they are studied very little. The girls' schools in particular have been the subject of research by only a handful of scholars yet the approved schools have inevitably shaped the institutional care structures which have developed since their closure in 1973. In order to understand how we have come to the present set up of institutional care for teenagers, it is important to consider what the previous provision was, and what can be observed and learnt from its successes and failures. Without a basic awareness of how children were dealt with in the past, it is not possible to understand how and why the system that currently exists does so. In 2018, 45 years after the last Approved School for girls closed its doors, the Children's Commissioner published a report *Voices from the Inside*, which set out to give voice to some of the 'girls, under the age of 18 who [were] held in secure residential units, serving time for criminal acts they have committed.'[16] At the time of the publication, 30 girls under the age of 18 were in custody, and it is impossible to overlook the overlap between girls in Approved schools and in Secure Training Centres. Jimerson observed that archivists can thus contribute to a richer human experience of understanding and compassion. They can help to protect the rights of citizens and to hold public figures in government and business accountable for their actions. They can provide resources for people to examine the past, to comprehend the present and to prepare for a better future. This is the essence of our common humanity. It provides archivists with a sense of professional purpose and a social conscience.[17]

Researchers can too, but only if it is possible and realistic to access the archival material necessary to do so. In turn, it is also critical for archivists to be empowered to make decisions about access to the records in their care and to do so with all the information they need available to them.

Notes

1. Ministry of Justice, *Secure Schools*, 3.
2. ADSS *Briefing Paper*, 2.2.
3. ADSS *Briefing Paper*, 2.3.
4. TNA *Disposal of records of children in care* BN 29/596.
5. TNA, *Guide to Archiving Personal Data*, 21c.
6. TNA, *Closure Periods*, 3.
7. Ibid, 7.
8. Evans et. al., *Critical Archiving & Recordkeeping*, 17.
9. Goldson, *Excavating Youth Justice Reform*, 317.

10. Carter, *Of Things Said and Unsaid* 215.
11. Evans et. al., *Critical Archiving & Recordkeeping*, 17.
12. Ibid., 11.
13. Emails about the author, released to the author after an FOI request concerning process. 2018.
14. TNA, *Guide to Archiving Personal Data*, 31.
15. Ibid., 78.
16. The Children's Commissioner, *Voices from the Inside*, 1.
17. Jimerson, *Archives & Memory*, 253.

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