



## **Business Support**

# **ACCESS TO SOCIAL CARE RECORDS (Childrens and Adults)**

## Introduction

Under the Data Protection Act 1998, anyone has a right to access their own personal information and the Act places an obligation on Devon County Council when holding personal data to provide a copy of that information (unless an exemption applies) to the individual concerned. The individual can make the request themselves or get someone (such as a solicitor) to write in on their behalf. Requests can be in any written format, such as e-mail, fax or letter (even on a scrap of paper). The legal deadline for this is 40 days from receipt of a valid request so the timescales are tight.

If an individual wants to make a request by phone they can be sent a copy of the Access to Information form to complete and return with appropriate proof of identity: the Information Governance Team (IG Team) will direct an individual to the following form:

[http://www.devon.gov.uk/subject\\_access\\_form\\_july\\_2010\\_.pdf](http://www.devon.gov.uk/subject_access_form_july_2010_.pdf)

The Human Rights Act 1998 states partner agencies must respect an individual's right for confidentiality, when considering sharing information with others, when information is given in confidence. However, there are times when it can be seen as appropriate that confidential 'relevant' information is shared without the individual's permission. When deciding whether there is a public interest in sharing confidential information, DCC needs to consider:

- Do they have the person's consent - this may include a child's consent if they are over the age of 12. Note - this may not be required if information sharing is required as a Child or Adult protection concern e.g. a Section 47 enquiry (child protection concern)
- Is the sharing necessary to protect a vulnerable adult, child or young person from harm as a result of abuse or neglect
- Is the sharing necessary to prevent or detect a crime or to apprehend an offender?
- Is the sharing necessary to comply with a court order or a legal obligation?

### Description:

Disclosure of all Social Care records and Foster Carer records needs to be practised in accordance with The Data Protection Act 1998 and the Human Rights Act 1998.

The process of disclosing information from Adoption records must take place within the terms of the Adoption Agencies' Regulations 2005. Regulations 41 and 42 provide that disclosure is allowed to courts and Children's Guardians, to authorised researchers and inspectors and to relevant adoption agency staff.

The purpose of this document is to enable Business Support staff, who administer the archived records and facilitate access to Social Care records held 'locally' (electronic and paper), to have a clear understanding of their involvement in the access to records process.

If the records are to be subjected to a redaction process, this is carried out by a member of the IG team, before a record is viewed or sent.

### Contacts:

- Corporate Information Governance team (IG Team) – Room 120, County Hall, Exeter
- Police Disclosure Officer
- Adult Social Care – Community Health & Social Care - Service Manager/Team Manager
- Childrens Social Work - Operations Manager/Team Manager

- o **For Adoption Records**

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- Operations Manager for Adoption
- Adoption Team Managers
- Specialist Adoption Social Workers
  - o **For Foster Carer Records**
- Operations Manager for Fostering

# 1. Childrens Social Work Records - archived

**Location: Room A301, The Annexe, County Hall, Topsham Road**

## 1.1 Archived Child in Care Social Care Records

### Visitors viewing records in the Archive Team, County Hall

To ensure that only authorised persons are being allowed access to records photographic ID must be presented to the Childcare Records Team upon arrival. The Team can then quickly cross reference the name and details against the DCC staff directory. Cross referencing will only be available for DCC employees.

There is no requirement for authorised personnel to be observed whilst viewing a record. However consideration must be given regards the appropriateness of where and how records are to be viewed at County Hall, to ensure confidentiality is maintained at all times.

If the Childcare Records Team is unsure of the identity of a caller when querying access to archived Child in Care records they can perform a call back. They will make sure that they call a main switchboard and ask to be put through to the relevant extension number for added security.

Listed below are the ways in which access to an archived Child in Care social care record can be requested and the relevant process to follow.

All requests to view records (electronic or on microfiche) must have authorisation from an appropriate person, prior to access. This authorisation may come from:

- IG Team – via an email confirming appropriateness
- CSW Team Manager/Operations Manager – via an SS568 - Request for archived record of a former CiC – found on Fdocs (Child in Care folder) via CareFirst

Note - once authorisation has been received, and if access to records can **only** be viewed/accessed at County Hall, via the Childcare Records Team, the Team must also have confirmation if copies of records can or cannot be taken. This confirmation can be via email, or a telephone call and recorded on the SS568.

If unsure at any time please consult your line manager.

- **1.1.1 Subject Access Requests (a person requesting access, or a nominated representative on their behalf, to their own or their child's records)**

Individuals have the right to access their personal records held by the Local Authority.

There are rules restricting what the individual can see within their records in terms of third party information. Before a record is viewed or sent the records are subjected to a redaction process normally carried out by a member of the IG Team.

A member of the IG Team has to have visibility of any subject access request.

The requirements of each case will then be co-ordinated centrally by the IG Team by:

- logging each case, to ensure timescales can be monitored.
- checking that the request is legal and appropriate.

Should a request be made directly to the Childcare Records Team from the individual concerned, Business Support staff must not give out any personal information and must redirect the request to a member of the IG Team. This should be adhered to on a corporate level to avoid any wrongful access to information.

Once the completed subject access request form and relevant identification has been received and acknowledged, a member of the IG Team will contact the Childcare Records Team to request a copy of all relevant information. Once Childcare Archive Team has located the record(s), a printed copy will be sent to the IG team who prepare and edit as appropriate, ensuring that any necessary exemptions under the Data Protection Act are applied. It is important to establish if the record being requested is owned by DCC. If it's not, then the person requesting the information should be advised to make their request to whichever Local Authority (LA) does own it, i.e. Plymouth or Torbay. This will ensure that the LA owning the record will make the decision about what is disclosed and will pay for printing the material.

- **1.1.2 Devon County Council Social Workers & Other Local Authority (OLA) Social Workers**

DCC Social Workers and OLA Social Workers must have the relevant authorisation before being allowed to access a record.

There are times when it can be seen as appropriate that confidential information is shared without an individual's permission. If a CSW Operations Manager/Team Manager considers there is a genuine public interest in sharing confidential information (see introductory paragraph for further guidance) records/information can be shared without redaction and without requests being processed via the IG team e.g. when there are S47 concerns.

A form SS568 needs to be completed and signed by a CSW Operations Manager/Team Manager for ALL requests to access archived Child in Care records. The Childcare Records Team retains copies of the completed forms as these provide them with evidence of authorisation to access the records.

If *copies* of documents are to be forwarded, for example, when there are S47 concerns, a DCC CSW Operations Manager/Team Manager will also authorise that 'relevant documents' can be copied and shared. These can include the child's latest assessment; chronology; latest meetings' minutes plus any other appropriate, specifically requested information.

Refer to Appendix A.

- **1.1.3 Family Proceedings/ Requests from Solicitors (Non – CAFCASS)**

All requests for information to be used in a family proceedings case need to be directed to a member of the IG Team. The Childcare Records Team will be requested to organise a printed copy of the record which can then be examined and redacted by the IG Team before being distributed to the parties concerned with the court case.

Any documents viewed on site then required for printing must first be examined by a member of the IG Team before being released.

- **1.1.4 CAFCASS Officers (Children's Guardians/Guardian ad Litem)**

Under CAFCASS, workers are appointed by the Courts to represent the child/children in Family Proceedings. Therefore, they should be given total access to records without redaction. Should the Childcare Records Team receive contact directly from a CAFCASS officer they must re-direct them to a member of the IG Team. Any requests for copies of records must be referred back to the IG team.

*\*Note –. All requests from a partnership agency to access archive records must be authorised by a CSW Operations Manager/Team Manager, via a SS568. Partners are entitled to access records without redaction. If Partners request to take copies of documents, the CSW Operations*

*Manager/Team Manager needs to give authorisation this can happen. This authorisation can be made via email or a telephone and be recorded on the SS568. The Partner will confirm with the Operations Manager/Team Manager if records are to be retained securely or returned. If the Childcare Archive Team receive contact directly from an Partner, the Team must redirect them to a CSW Operations Manager/Team Manager.*

- **1.1.5 Police Disclosure Officer or Police Officer not directly involved in the case**

When information from a record is required to assist with a criminal investigation and /or proceedings involving children, the Childcare Records Team have to follow a specific protocol. DCC's IG Manager is responsible to make sure that the information needed for disclosure has been examined and all third party information has been removed. If a police officer or Police Disclosure Officer (PDO) contacts the Childcare Records Team directly they will be redirected to the DCC IG Manager. It is not necessary for a PDO to complete an SS568.

## **1.2 Archived Adoption Records (Child records and/or Adopter records)**

In all cases in which anyone is requesting access to an archived adoption record, a form SS606 – Adoption request for records must be completed. This form can be found on Fdocs (Adoption folder) via CareFirst. The forms are stored by the Childcare Records Team, and request details input on the individual's record on the Social Care – Childcare Archived Record database record. This constitutes as a register which shows when access to a record has been granted.

The SS606 is also used to prove that the person requesting access to the record has been given the authority to do so by either the Operations Manager or a Team Manager from within the Adoption service. Permission may be given by way of an email which should be printed off and attached to the SS606.

There are a small number of authorised specialist Social Workers from within the DCC Adoption team who for purposes of counselling the subject of the record do not need prior authorisation to access the records. An SS606 is still required to document the access however it will not be countersigned.

Anyone accessing the record should identify what information was taken and who it has been disclosed to.

- **1.2.1 Subject Access requests (a person requesting access, or a nominated representative on their behalf, to their own records)**

Any requests from members of the public to access their own adoption records must be directed to the Specialist Adoption Social Worker or Adoption Service.

- **1.2.2 Requests from DCC Social Workers (non-Adoption), Other Local Authorities & Adoption Agencies**

Any requests must be directed to the Adoption Service. If the request appears to relate to counselling of an adopted person then redirect to the Specialist Social Workers. If the issue seems to relate to Child Protection concerns (Section 47 enquiry) then redirect to the Adoption Operations Manager.

Refer to Appendix A.

- **1.2.3 CAFCASS Officers (Children’s Guardians/Guardian ad Litem)**

Children’s Guardians employed by CAFCASS are appointed by the courts to safeguard the interests of children in court proceedings. They have the right to access relevant records. Should a member of the Childcare Records Team be contacted directly by the Guardian, they must refrain from giving out any information from the record and provide them with details of how to contact The Adoption Operations Manager.

For archived records, a SS606 form is still required to be completed before access can be granted.

*\*Note –. All requests from a Partner agency to access archive records must be authorised by a CSW Operations Manager/Team Manager, via a SS606. Partners are entitled to access records without redaction. If Partners request to take copies of documents, the Adoption Manager needs to give authorisation this can happen. This authorisation can be made via email or a telephone and be recorded on the SS606. The Partner will confirm with the Adoption Manager if records are to be retained securely or returned. If the Childcare Archive Team receive contact directly from an Partner, the Team must redirect them to an Adoption Manager.*

- **1.2.4 Plymouth & Torbay Authorities**

Plymouth and Torbay are to be treated as any other Local Authority and requests for information held by DCC must be directed to the Adoption Service, as above.

### **1.3 Archived Foster Carer Records**

In all cases in which anyone is requesting access to an archived Foster Carer record, a form SS569 – Request for Archived record of a former Foster Carer must be completed. This form can be found on Fdocs (Fostering folder) via CareFirst. The forms are stored by the Childcare Records Team, and request details input on the individual’s record on the Social Care – Childcare Archived Record database record. This constitutes as a register which shows when access to a record has been granted.

The SS569 is also used to prove that the person requesting access to the record has been given the authority to do so by the Fostering Operations Manager. Permission may be given by way of an email which should be printed off and attached to the SS569.

- **1.3.1 Subject Access request (a person requesting access, or a nominated representative on their behalf, to their own records)**

Individuals have the right to access their personal records held by the Local Authority.

There are rules restricting what the individual can see within their records in terms of third party information. Before a record is viewed or sent the records are subjected to a redaction process normally carried out by a member of the IG Team.

A member of the IG Team has to have visibility of any subject access request.

The requirements of each case will then be co-ordinated centrally by the IG Team by:

- logging each case, to ensure timescales can be monitored.
- checking that the request is legal and appropriate.

Should a request be made directly to the Childcare Records Team, from the individual concerned, the Team must not give out any personal information and must redirect the request to a member of the IG Team. This should be adhered to on a corporate level to avoid any wrongful access to information.

Once the completed subject access request form and relevant identification has been received and acknowledged, a member of the IG Team will contact the Childcare Records Team to request a copy of all relevant information. Once the Team has located the record(s), a printed copy will be sent to the IG team who prepare and edit as appropriate, ensuring that any necessary exemptions under the Data Protection Act are applied. It is important to establish if the record being requested is owned by DCC. If it's not, then the person requesting the information should be advised to make their request to whichever LA does own it, i.e. Plymouth or Torbay. This will ensure that the LA owning the record will make the decision about what is disclosed and will pay for printing the material.

- **1.3.2 Requests from Other Local Authorities & Fostering Agencies**

There is a Fostering Network Transfer Protocol, which outline best practice when sharing information. This protocol states that ALL requests for information must be in writing. Requests from Other Local Authorities, including Fostering Agencies, must be directed to the Fostering Service. If the issue seems to relate to Child Protection concerns (Section 47 enquiry) then redirect to the Fostering Operations Manager. Refer to Appendix A.

- **1.3.3 CAFCASS Officers (Children's Guardians/Guardian ad Litem)**

Children's Guardians employed by CAFCASS are appointed by the courts to safeguard the interests of children in court proceedings. They have the right to access relevant records. However – please note – access to Foster Carer records must include redaction of any material not related to the case being worked upon. Should the Childcare Records Team be contacted directly by the Guardian the Team must refrain from giving out any information from the record and provide them with details of how to contact the Fostering Operations Manager.

- **1.3.4 Plymouth & Torbay Authorities**

Plymouth and Torbay are to be treated as any other Local Authority and requests for information held by DCC must be directed to the Fostering Service, as above.



## 2. Childrens Social Care Records – closed and open case records.

**Location: Local CSW Offices**

### **Visitors viewing records in the Local Offices**

To ensure that only authorised persons are being allowed access to records ID must be presented to Business Support staff upon arrival. Business Support can then quickly cross reference the name and details against the DCC staff directory. Cross referencing will only be available for DCC employees.

There is no requirement for authorised personnel to be observed whilst viewing a record. However consideration must be given regards the appropriateness of where and how records are to be viewed, to ensure confidentiality is maintained at all times.

If Business Support staff are unsure of the identity of a caller when querying access to Children's records they can perform a call back. They will make sure that they call a main switchboard and ask to be put through to the relevant extension number for added security.

### **2.1 Child in Care/Child in Need/IRU Records**

- **2.1.1 Subject Access Request from a person, or a nominated representative on their behalf, requesting access to their own or their child's records.**

Individuals have the right to access their personal records held by the Local Authority there are rules restricting what the individual can see within their records in terms of third party information. Before a record is viewed or sent the records are subjected to a redaction process normally carried out by a member of the IG Team.

A member of the IG Team has to have visibility of these subject access requests.

The requirements of each case will then be co-ordinated centrally by a member of the IG Team:

- logging each case, to ensure timescales can be monitored.
- checking that the request is legal and appropriate.

Should a request be made directly to Business Support staff from the individual concerned they must not give out any personal information and redirect the request to a member of the IG Team. This should be adhered to on a corporate level to avoid any wrongful access to information.

Once the completed subject access request form and relevant identification has been received and acknowledged a member of the IG Team will contact the appropriate Service Support Manager (SSM) to request a copy of all relevant information. If the case is open, the relevant Allocated worker will be included in the correspondence. Once the local Business Support staff have located the record(s), a printed copy will be sent to the relevant IG Officer who prepares and edits as appropriate, ensuring that any necessary exemptions under the Data Protection Act are applied. It is important to establish if the record being requested is owned by DCC. If not, then the person requesting the information should be advised to make their request to whichever LA does own it, i.e. Plymouth or Torbay. This will ensure that the LA owning the record will make the decision about what is disclosed and will pay for printing the material.

- **2.1.2 Non - CSW DCC Staff & Other Local Authorities**

Any non-CSW DCC staff, Other Local Authority or Partner Agency employee must have the relevant authorisation before being allowed to access a record. These requests can be directed to a member of the IG Team for authorisation in the first instance.

However, there will be times when it may be seen as appropriate that confidential, relevant information is shared without being managed via the IG Team. If a CSW Team Manager/Operations Manager considers there is a genuine public interest in sharing confidential, relevant information (see introductory paragraph for further information) records can be shared without redaction i.e. without requests being processed via the IG team.

In these circumstances, the CSW Team Manager/Operations Manager may request local Business Support staff facilitate access to records. If Business Support staff are asked to do this, the request needs to be put in writing, via an email. Details of the request must be added to the child's record by Business Support, either:

- as a CF6 observation (cut and paste the content of the email), if there is an electronic social care file,

or:

- in the CF6 'file location' comments box, if there is no electronic social care file. Comments should be as brief as possible and include the date of the request e.g.
  - o 1.1.12 – Request made by C Smith, TM to give access to records to B Jones, NSPCC
  - o 12.12.11 – Request made by B Smith, OM to copy & forward IA (24.3.09) to H Bloggs, Herts LA.

CSW Team Manager/Operations Manager must also confirm if copies of records can be produced, as well as identifying any records that must NOT be disclosed. It is expected that only essential records are copied, to minimise the impact upon Business Support and copying costs.

Refer to Appendix A.

### • **2.1.3 Family Proceedings/ Requests from Solicitors (Non – CAFCASS)**

All requests for information to be used in a family proceedings case need to be directed to a member of the IG Team.

Requests for a printed copy of local records will be co-ordinated between the IG Team and Business Support Management Team. The printed copy of the record will then be examined and redacted by a member of the IG Team before being distributed to the parties concerned with the court case.

Any documents viewed on a local site, then required for printing, must first be examined by a member of the IG Team before being released.

### • **2.1.4 CAFCASS Officers (Children's Guardians – Guardian ad litem)**

Under CAFCASS, workers are appointed by the Courts to represent the child/children in Family Proceedings. Therefore, they should be given total access to open and closed case records without redaction. Should any Business Support staff receive contact directly from a CAFCASS officer they must re-direct them to the allocated CSWS Worker/Duty Worker or to a Team Manager, if the case is closed.

*\*Note –. All requests from a partnership agency to access archive records must be authorised by a CSW Operations Manager/Team Manager, via a SS568. Partners are entitled to access records without redaction. If Partners request to take copies of documents, the CSW Operations Manager/Team Manager needs to give authorisation this can happen. This authorisation can be made via email or a telephone and be recorded on the SS568. The Partner will confirm with the Operations Manager/Team Manager if records are to be retained securely or returned. If the Childcare Archive Team receive contact directly from an Partner, the Team must redirect them to a CSW Operations Manager/Team Manager.*

- **2.1.5 Police Disclosure Officer or Police Officer not directly involved in the case**

When information from a record is required to assist with a criminal investigation and /or proceedings involving children, Business Support have to follow a specific Information Sharing protocol. This applies to both paper files and CF6 electronic records. DCC's IG Team is responsible to make sure that the information needed for disclosure has been examined and is relevant to the investigation. If a Police Officer or Police Disclosure Officer (PDO) contacts the Business Support team directly they must be redirected to the IG Team.

Once permission to view records has been given by the IG Team they will inform the appropriate Service Support Manager to facilitate access to records stored in local offices.

The usual process is that the Police Officer will read the files and will ask for any relevant material to be copied or printed. This will then be forwarded to the IG Team (not stapled) for them to authorise disclosure to the Police. The Police Officer will not be able to take any papers away with them.

For South Devon cases, once access permission has been given, the IG Team will confirm this with the relevant Service Support Manager and the PDO for South Devon will view CF6 electronic records at Estuary House, Newton Abbot.

*\*@ 2012 - Bespoke CF6 access rights for the PDO are being developed by the IG Team.*

- **2.1.6 CSW Team Members**

A member of a Childrens Social Care team can view a Childrens Social Care client paper file without any redaction or involvement from IG.

When a request to view a paper record in a local office is received, the member of staff's name should be supplied.

Business Support finds the file and follows the Business Support – Client Paper Record location and tracking process (in the Business Support Business Process library).

## **2.2 Adoption Records (Child records and/or Adopter records)**

- **2.2.1 Subject Access requests (a person requesting access, or a nominated representative on their behalf, to their own records)**

Individuals have the right to access their personal records held by the Local Authority there are rules restricting what the individual can see within their records in terms of third party information. Before a record is viewed or sent the records are subjected to a redaction process normally carried out by a member of the IG Team.

A member of the IG Team has to have visibility of these subject access requests.

The requirements of each case will then be co-ordinated centrally by a member of the IG Team:

- logging each case, to ensure timescales can be monitored.
- checking that the request is legal and appropriate.

Should a request be made directly to Business Support staff from the individual concerned they must not give out any personal information and redirect the request to a member of the IG Team. This should be adhered to on a corporate level to avoid any wrongful access to information.

Once the completed subject access request form and relevant identification has been received and acknowledged a member of the IG Team will contact the appropriate Adoption Service Manager to request a copy of all relevant information. Upon authorisation from an Adoption Service Manager, Business Support staff will locate the record(s) and print a copy to be sent to the relevant IG Officer

who prepares and edits as appropriate, ensuring that any necessary exemptions under the Data Protection Act and Adoption Agencies' Regulations 2005 are applied.

It is important to establish if the record being requested is owned by DCC. If not, then the person requesting the information should be advised to make their request to whichever LA does own it, i.e. Plymouth or Torbay. This will ensure that the LA owning the record will make the decision about what is disclosed and will pay for printing the material.

- **2.2.2 Requests from DCC Social Workers (non-Adoption), Other Local Authorities & Adoption Agencies**

Any requests must be directed to the Adoption Service. If the request appears to relate to counselling of an adopted person then redirect to the Specialist Social Workers. If the issue seems to relate to Child Protection concerns (Section 47 enquiry) then redirect to the Adoption Operations Manager.

- **2.2.3 CAFCASS Officers (Children's Guardians/Guardian ad Litem)**

Children's Guardians employed by CAFCASS are appointed by the courts to safeguard the interests of children in court proceedings. They have the right to access relevant records. Should a member of Business Support be contacted directly by a Guardian, they must refrain from giving out any information from the record and provide them with details of how to contact the Adoption Operations Manager.

*\*Note – All requests for a Partner agency to access adoption records must be authorised by an Adoption Manager. Partners are entitled to access records without redaction. If Partners request to take copies of documents, the Adoption Manager needs to give authorisation this can happen. This authorisation can be made via email or a telephone and be recorded on the Child's Adoption file. If Business Support receive contact directly from a Partner, they must redirect them to an Adoption Manager.*

- **2.2.4 Plymouth & Torbay Authorities**

Plymouth and Torbay are to be treated as any other Local Authority and requests for information held by DCC must be directed to the Adoption Service, as above.

## **2.3 Foster Carer & Private Foster Carer Records**

- **2.3.1 Subject Access request (a person requesting access, or a nominated representative on their behalf, to their own records)**

Individuals have the right to access their personal records held by the Local Authority. There are rules restricting what the individual can see within their records in terms of third party information. Before a record is viewed or sent the records are subjected to a redaction process normally carried out by a member of the IG Team.

A member of the IG Team has to have visibility of these subject access requests.

The requirements of each case will then be co-ordinated centrally by a member of the IG Team:

- logging each case, to ensure timescales can be monitored.
- checking that the request is legal and appropriate.

Should a request be made directly to Business Support staff from the individual concerned they must not give out any personal information and redirect the request to a member of the IG Team. This should be adhered to on a corporate level to avoid any wrongful access to information.

Once the completed subject access request form and relevant identification has been received and acknowledged, a member of the IG Team will contact the Fostering Team to request a copy of all relevant information.

Once the Team has located the record(s), a printed copy will be sent to the IG team who prepare and edit as appropriate, ensuring that any necessary exemptions under the Data Protection Act are applied. It is important to establish if the record being requested is owned by DCC. If it's not, then the person requesting the information should be advised to make their request to whichever LA does own it, i.e. Plymouth or Torbay. This will ensure that the LA owning the record will make the decision about what is disclosed and will pay for printing the material.

- **2.3.2 Requests from Other Local Authorities & Fostering Agencies**

There is a Fostering Network Transfer Protocol, which outline best practice when sharing information. This protocol states that ALL requests for information must be in writing. Requests from Other Local Authorities, including Fostering Agencies, must be directed to the Fostering Service. If the issue seems to relate to Child Protection concerns (Section 47 enquiry) then redirect to the Fostering Operations Manager.

- **2.3.3 CAFCASS Officers (Children's Guardians/Guardian ad Litem)**

Children's Guardians employed by CAFCASS are appointed by the courts to safeguard the interests of children in court proceedings. They have the right to access relevant records. However – please note – access to Foster Carer records must include redaction of any material not related to the case being worked upon. Should Business Support staff be contacted directly by a Guardian, they must refrain from giving out any information from the record and provide them with details of how to contact the Fostering Operations Manager.

- **2.3.4 Plymouth & Torbay Authorities**

Plymouth and Torbay are to be treated as any other Local Authority and requests for information held by DCC must be directed to the Fostering Service, as above.

### **3. Adult Social Care Records – closed and open case back file records**

#### **Location: Adult Social Care Filing hubs**

#### **Processing a Subject Access Request**

- Any Adult team or individual can receive a SAR in any written format.
- The request, with any relevant documents (such as signature of consent or authority) **must** be sent to the Information Governance Team [informationgovernance-mailbox@devon.gov.uk](mailto:informationgovernance-mailbox@devon.gov.uk)
- The request will be verified, logged and acknowledged and processed by the IG team.
- The relevant Service team(s) will be contacted to request a copy of all relevant information. Adult Social Care filing hubs (Business Support) will be contacted where case records are held in those hubs.
- Locality specialist advice will be sought if required and any recommendations about exemptions.
- Once copies of a record have been produced, the information will be forwarded to the IG team, who will prepare centrally and edit as appropriate.
- The subject access requestor will be responded to with the information, by the IG team.

Should a request be made directly to Business Support, from an individual, Business Support staff must **not** give out any personal information and must redirect the request to a member of the IG team. This should be adhered to, so to avoid any wrongful access to information.

### **Processing a request to view a paper record - from a DCC Adult Social Care Team member**

- An Adult Social Care team member can view an Adult Social Care client paper file without any redaction or involvement from IG.
- When a request to view is received, the member of staff's name and CF6 ID should be supplied.
- Business Support finds the file follows the Business Support – Client Paper Record location and tracking process (in the Business Support Business Process library).

### **Partnership Records**

Where joint records are held, such as in Community Mental Health Teams, it is not necessary for the applicant to apply to both organisations for access to their records. The request will be co-ordinated by the Information Governance Officers of the relevant organisations.

The NHS Continuing Care Team (CHC) undertake retrospective reviews on behalf of a person and their family to determine if that person is eligible for NHS CHC funding. Therefore the CHC team may need to examine relevant information held on that person to include in their assessment. This includes Social Care records. If any **paper** records are held on a person (the CHC team have access to CareFirst/HPRM so do not need to request access to electronic records) the CHC team are entitled to access these records and they do not need to be redacted, as the details are not shared with the client.

### **Processing a request for information about a deceased person**

The Data Protection Act 1998 applies to personal information about living individuals, not those who are deceased.

Requests for information about deceased people however, still have to be processed in a confidential and sensitive way. The relatives or next of kin of someone who has died do not have an automatic right of access to the information.

Written applications should be sent with any relevant documents to the Information Governance Team, Room 120, County Hall, Topsham Road, Exeter, EX2 4QD.

## **4. Reproducing documents and printing off CareFirst/HPRM**

The reproduction of a record should include all CareFirst, HPRM and paper documentation. This will ensure that DCC complies with the full disclosure requirements of the Data Protection Act and will reduce the risk of complaints made to the Council.

- **4.1 Photocopying paper records**

Photocopy everything on the paper files. Photocopy A4 single sided with no staples.

- **4.2 Printing CF/HPRM (electronic) records**

CareFirst guidance is available at the following link:

<http://staff.devon.gov.uk/cfgn232.pdf>

Run the “All Assessments and Observations DA374R” report

- For children’s records - found on CF6 – Menu – Children’s Reports – Data Quality)
- For adult’s records – found on CF6 – Menu – Devon Reports – ACS Data quality reports – Business Support reports

Open HPRM and check on the HPRM record for all documents mentioned on the DA374R report.

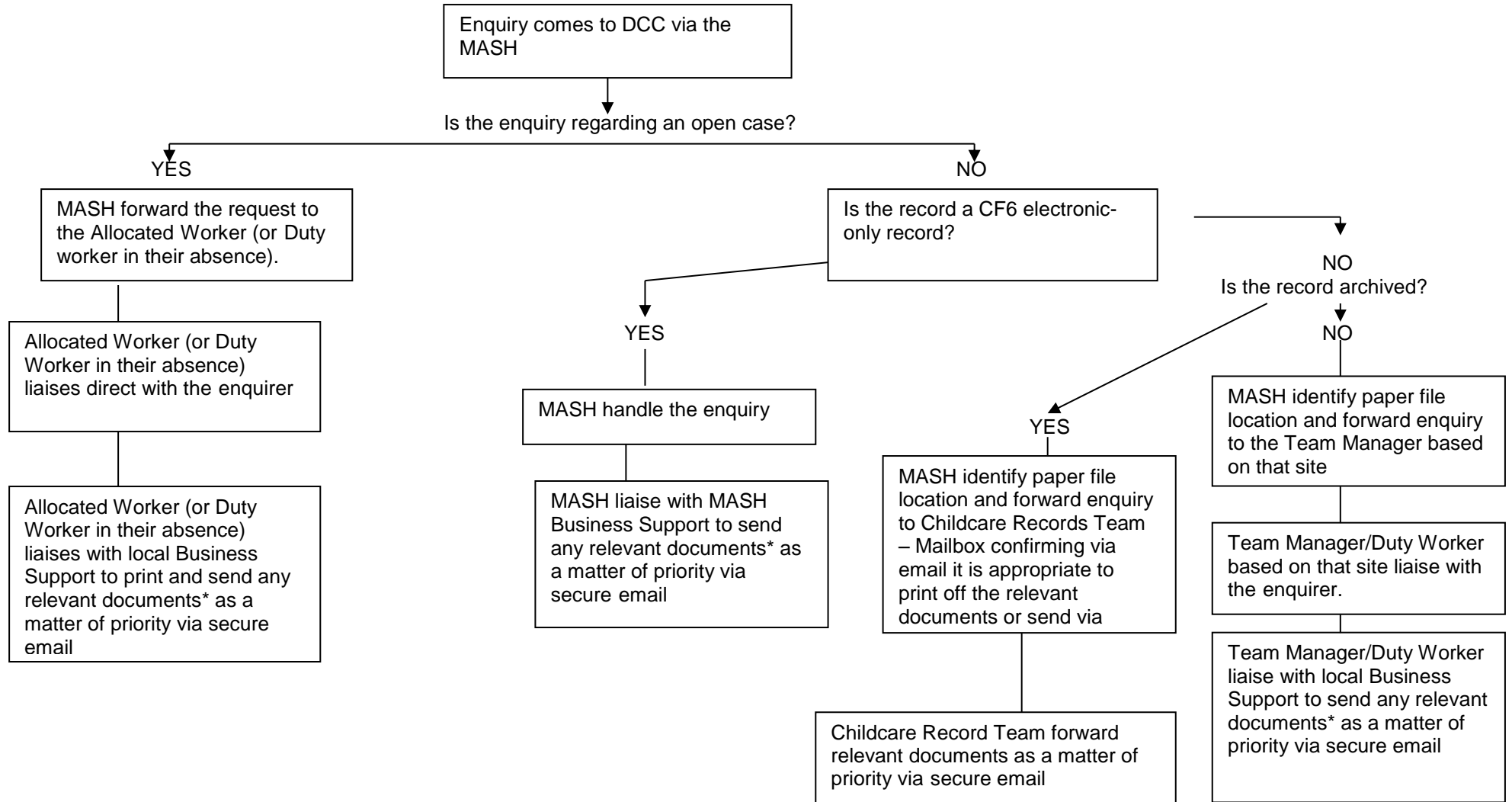
Print the entire HPRM record (from HPRM).

On CF6, pick up any items that you have highlighted from the DA374R report as being missing on HPRM. Print these off by picking them up individually from CF.

Also on CF, print any observations (for Childrens Social work records only - these also pick up supervisions) by running the Observations report (DA180R – Client Observations).

By following the above, you can make sure that you have everything. The SAR request should now be ready to send.

Alternatively, if the CF6 records required are a very large amount, ICT Helpdesk can be contacted via the ICT Self Service portal, - Business Services – Other Business Services – General Request to request a CF6 ‘whole file printing’ option to be set up -. This will allow the whole electronic record to be printed off in the most effective and efficient way.



**PRINCIPLES** – when enquiries are linked to Child Protection/S 47 concerns no redaction of 3<sup>rd</sup> party information is required.

- NOTE – ‘relevant documents’ are defined as the child’s latest assessment; chronology; latest meetings’ minutes plus any other specifically requested information. Information should be sent to other Local Authorities via secure email wherever possible.
- NOTE – any requests to access an Adopted Child’s information (from ANY file) must be forwarded to the Adoption HoS for authorisation.



## Document History

Date	Version Number	Summary of Changes	Owner
July 11	2	Process re-written by C McKinley	C McKinley
July 12	3	Process updated by C McKinley	C McKinley
January 14	4	Addition of Appendix A (OLA requests) & addition of 'how to' section for CF6	C McKinley
Nov 14	5	Process updated to include how Business Support manage SARs for Adult Social Care records held in Filing Hubs & Police access.	C McKinley
April 16	6	Administrative changes e.g. team names updated, reference to Fdocs: HPRM: Paper file tracker process	C McKinley