**Devon County Council**

**Information Governance – Access to Records Guidance for Practitioners**

**1. Introduction**

This guidance is designed to clarify arrangements when requests to share information or records are received from professionals not in Devon’s Childrens Social Care Service and from third-party organisations. These arrangements are not the same as subject access requests (see below).

**2. Roles**

**Children’s Social Work Practitioners**

The responsibility to decide what can be shared belongs to the practitioner in consultation with their manager. There is a range of guidance on [Information Sharing](https://inside.devon.gov.uk/task/information-sharing/) on the Inside Devon website to help that decision-making process. In some cases, there is a clear statutory or regulatory requirement for what must be shared and decision making is limited.

**Information Governance**

The Data Protection and Information Security Team in the Digital & Technology Service can provide advice and guidance on Data Protection, Information sharing and information security where necessary. They can be contacted on keepdevonsdatasafe@devon.gov.uk However, they are not able to approve individual sharing requests.

**Business Support**

Business Support staff are not responsible for decisions about what can be shared but will help to enable the practical process of sharing in many cases, however, local practice managers and practitioners take decisions about what is shared and must always be consulted about the sharing arrangements.

The Access to Information team in Business Support process and can advise on Subject Access Requests and requests from the Police, for example. They can be contacted on accesstoinformation@devon.gov.uk.

**3. Where requests come from:**

Individuals/agencies who may request access to records are as follows:

**CAFCASS**

In public law cases where a Children’s Guardian is appointed by the Court, the Children’s Guardian is entitled to view and receive copies of the child’s case files (or part thereof) on request.

In private law, such as an application for a Child Arrangements Order, The Local Authority have a duty to provide initial safeguarding information upon request from Cafcass to enable Cafcass to prepare a safeguarding letter in advance of the first hearing dispute resolution appointment. If a Section 7 (Welfare) Report is directed on cases open (or recently closed) to Children’s Social Care, it is likely that the Local Authority will be directed to prepare a report. Where Cafcass have been directed to prepare such a report, any closed case files can only be viewed by Cafcass with the permission of those with parental responsibility and the child (if of sufficient age and understanding) or by order of the court.

If, in a private law case, the court appoints a Children’s Guardian under Rule 16.4, access to records is the same as in public law (above).

Where files are to be accessed, the CAFCASS representative will provide evidence of their identity and written consent where applicable.

🡺 Practitioners to refer to Business Support to enable the access.

**Children, Young People and/or those with parental responsibility for them**

Child in Need, Child Protection Conference and Pre Proceeding Meeting minutes, signed by the Chair, should be sent to all those who attended or were invited to the meeting. In some cases, the chair may decide to exclude a person from attending a child protection conference. Those excluded should be provided with a copy of the social worker's report to the conference and be provided with the opportunity to have their views recorded and presented to the conference. The Chair will determine whether or not the excluded parent should receive the record of the conference. Further information can be found in the South West Child Protection [Procedures](https://www.proceduresonline.com/swcpp/devon/p_ch_protection_conf.html).

Where a friend, supporter or solicitor has been involved, the Chair should clarify with the parent(s) whether a copy of the minutes should be provided for those individuals.

The Chair should decide whether a child should be given a copy of the minutes. The record may be supplied to a child's legal representative on request.

For Child in Care Reviews, where parents do not attend the review and contribute their views in some other manner, a discussion should take place between the social worker and the IRO as to whether it is in the child's interest for the parents to receive a full record of the review, and, if not, what written information should be sent to them. Examples of where this should be a consideration are where there is a 'no contact order' or supervised contact only. Consideration should be given to the need to have any identifying details removed, for example, exceptionally, the address of the placement. Full procedures on recording of looked after child reviews can be found in Devon’s Children’s [Procedures](https://devonchildcare.proceduresonline.com/p_look_aft_rev.html).

🡺 Practitioners to provide clear instructions to Business Support to enable access.

Any other information, such as full case files, need to be processed as subject access requests by the information governance team: the practitioner can either refer the request to accesstoinformation @devon.gov.uk or send the requester a link to the details of [how to make a subject access request](https://www.devon.gov.uk/accesstoinformation/how-to-make-a-request/accessing-your-personal-data/) on the public website.

**Devon County Council Legal Services**

In public law proceedings the legal service is entitled to any document/record relevant to the proceedings.

**Disclosure and Barring Scheme**

All requests received from the DBS should be forwarded to the Safer Recruitment Team to log and allocate. It is understood that they should be sent direct from the DBS to the Safer Recruitment Team.

Requests will then be allocated to the appropriate social work team, who should collate the information using the guidance provided.

The Safer Recruitment team will send the response to the DBS and will log, track, and monitor the whole process. If advice is required on any potential redactions to the documentation in question, this can be obtained by the Data Protection and Information Security Team.

**Other Professionals including Police, Health, Schools, Probation.**

Child in Need, Child Protection Conferences, Pre Proceedings Meetings or Child in Care Review minutes, signed by the Chair, should be sent to all professionals who attended or were invited to the meeting. The Chair or other relevant practitioner should make it clear to Business Support who that includes or does not include. Business support will send out the minutes.

All requests received from Devon and Cornwall Police or from any other Police force in relation to criminal proceedings they are investigating should be forwarded to the Access to Information Team at accesstoinformation@devon.gov.uk in the first instance. Records should not be shared directly with Police officers in any way outside of the process operated by the Access to Information Team.

For other issues regarding information sharing, Practitioners should refer to the Department for Education Guidance: [Information sharing advice for safeguarding practitioners - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice)

And the Information sharing agreements:

<https://inside.devon.gov.uk/task/information-sharing/information-sharing-information-sharing-agreements-and-protocols>