

REPORT TO: Health Policy & Performance Board

DATE: 11th September 2012

REPORTING OFFICER: Strategic Director, Communities

PORTFOLIO: Health and Adults; Children, Young People and Families

SUBJECT: Revised Subject Access Requests (Social Care Records) Policy, Procedure and Practice May 2012

WARD(S) Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To present the Board with the revised Subject Access Requests (Social Care Records) Policy, Procedure and Practice May 2012.

2.0 RECOMMENDATION: That: The Board note the contents of the report and the associated policy.

3.0 SUPPORTING INFORMATION

Background Information

3.1 The Data Protection Act gives individuals rights to have access to their own personal information. Individuals can send a subject access request (SAR) which requires the authority to tell them about the personal information we hold about them, and to provide them with a copy of that information. In most cases, you must respond to a valid subject access request within 40 calendar days of receiving it.

3.2 The review of the Subject Access Requests Policy began in July 2011. Children's Services and Adult Social Care had separate policies and separate processes for SAR. Following a number of structural changes within both Directorates, including the transfer of a member of children's services staff (who undertook children's services complaints/access to records) to the Communities Directorate Representation and Complaints team, it was agreed that a working group needed to be established to review the process. The group's aim was to look at integrating the children's Access to Records Policy into the process that operated in adult services, and create a new, streamlined policy, procedure and practice to reflect this.

- 3.3 A group of representatives from across the Council worked together to review the policy and procedures. This involved various departments including Children and Families Service, Adult Social Care, Customer Services, Policy and Strategy and ICT.

Legal Services were also consulted and made some minor changes in terms of legalities.

- 3.4 The group met on a regular basis, to agree a new process for both children's and adult's social care subject access requests that the Communities Directorate Representation and Complaints Team would manage. This included:

- the design of a new improved application form;
- a revised process flowchart;
- updated letter templates and forms; and
- a revised policy and procedure (attached at Appendix 1).

Main changes

- 3.5 There is now one streamlined policy and procedure instead of two separate policies for Children and Enterprise and the Communities Directorates. The policy and procedure document has been written to reflect the revised process.

- 3.6 A flowchart has been created to clearly show a step-by-step guide to the new process, and the text within the procedure details this further.

- 3.7 A new Council SAR application form has been developed (Appendix 2 of the Policy). To ascertain more clearly the information that the applicant is requesting, a new question has been added for specific information regarding the request. This is hoped to speed up the process, as well as avoiding unnecessary information being provided. The form has also been updated in terms of the identification requirements.

To accompany the form, there is detailed guidance on the completion of the form, how to submit the form and how the application form will be dealt with (Appendix 3 of the Policy).

- 3.8 Letter templates and other additional forms that may be required as part of a SAR have been updated in accordance with the revisions within the policy. These form the remainder of the Appendices to the policy.

- 3.9 By having a more streamlined process in place, responses to SARs will be dealt with more efficiently, and therefore give an improved service to both children and adults who are requesting information.

4.0 **POLICY IMPLICATIONS**

4.1 The policy, procedure and practice document was approved by both Directorate Management teams. The policy will be reviewed again in May 2014.

5.0 **OTHER/FINANCIAL IMPLICATIONS**

5.1 Roles and responsibilities have been identified within the revised policy and procedure for certain tasks throughout the process. The Representation and Complaints Manager will have the overarching overview of each case, and will ensure that everyone involved keeps to the specified timescales.

5.2 As part of the discussions, ICT joined the working group to share the development of a new electronic Access to Records System on a similar line to the Freedom of Information system that they are developing Council-wide. The group worked closely with ICT to ensure that the new procedures for any child or adult SARs linked in to the new database.

5.3 ICT are currently developing an e-learning course that will be available to all staff involved in SAR requests. The training will focus on the process and procedure to be followed and may take place either at Induction or as a separate course.

6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children & Young People in Halton**

Streamlining the Subject Access Requests procedures and having an integrated process will benefit the priorities for both Children and Young People and a Healthy Halton by having one co-ordinator for all subject access requests and, in turn, the process being more easily managed.

6.2 **Employment, Learning & Skills in Halton**

None identified.

6.3 **A Healthy Halton**

Streamlining the Subject Access Requests procedures and having an integrated process will benefit the priorities for both Children and Young People and a Healthy Halton by having one co-ordinator for all subject access requests and, in turn, the process being more easily managed.

6.4 **A Safer Halton**

None identified.

6.5 **Halton's Urban Renewal**

None identified.

7.0 **RISK ANALYSIS**

7.1 Having in place a robust, streamlined process will reduce the opportunity for risks within the process to arise, for example, requests not being processed within the allocated timescales. The ICT SAR database will ensure that all SARs are recorded and will keep track of progress via the identified "co-ordinator" (in the case of children and adult SARs this will be the Representation and Complaints Manager). As there will be one co-ordinator for all children and adult SARs the process will be more easily managed.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 No equality and diversity issues have been identified. An associated Equality Impact Assessment (EIA) has been completed.

9.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.