



ACCESS TO RECORDS POLICY

CRYSTAL CARE SOLUTIONS LIMITED

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Scope of this Policy

This policy is applicable to all staff.

The purpose of this policy is to:

- Provide a framework for the expectations around access to records kept and to ensure that Crystal Care Solutions complies with good practice and standards of record keeping.
- Facilitate high-quality, safe support for young people and ensure that records act as legal evidence.
- Enable staff in whatever capacity they have with regards to record keeping at Crystal Care Solutions to work alongside best practice principles and within the law
- Define accountability and ensure that mechanisms for documenting confidential information within Crystal Care Solutions are followed.
- Ensure that the General Data Protection Regulations are followed
- Support the ability to evaluate and review the way in which information is managed and recorded

Underpinning Knowledge and References

England

The Care Act 2014
Freedom of Information Act 2000
Human Rights Act 1998
Working Together to Safeguard Children 2014
General Data Protection Regulations 2018
The Children Act 1989 and 2004
Information Commissioners Office, (2019), Guide to Data Protection
NHS Digital, (2018), A Guide to Confidentiality in Health and Social Care

Wales

General Data Protection Regulations 2018
The Children Act 1989 and 2004
Freedom of Information Act 2000
Human Rights Act 1998
The Social Services and Wellbeing Act (Wales) 2014
Information Commissioners Office, (2019), Guide to Data Protection
NHS Digital, (2018), A Guide to Confidentiality in Health and Social Care

Rights of Access

The provisions for access to personal information or records held by Children's Services are contained in the Data Protection Act 1998 and General Data Protection Regulations 2018. Under this legislation, those in respect of whom personal information is held in any form have a right of access to the information, unless one of the exceptions set out below applies.

Please also see The Data Protection Policy, Retention of Records Policy and Rights Policy.

Placing information in a Confidential file

Certain information held on young people should be placed in the confidential section of their file. This information would not normally be accessible to the young person.

Any decision to place information or material in the confidential section must be taken by the House Manager.

Before giving approval the manager must be satisfied that one of the following apply:

1. That there is a serious risk of injury to the young person or others if the information is disclosed;
2. That an offence may be committed if the information/material was accessible to the young person;
3. That there is a legal requirement, for example, in relation to Adoption Records;
4. That there is a Court Order or Direction in force in relation to the information/material.

Where the author/originator of a report or correspondence requests that it should not be shared with the young person, the Home Manager must come to a decision about whether it should be placed in the confidential section of the file. In coming to a decision the manager must consult the author/originator and the social worker.

If the decision is to place the record/ correspondence in the confidential section of the file this must be communicated to the author/originator and the social worker. The manager must ensure that a cross referencing note is placed in the main body of the file, or the location where the record/ correspondence would normally be kept, so that it may be found/accessed when required.

Where record/correspondence are too bulky to be held in the confidential section of the file, they may be kept in another secure location, as agreed by the manager, and a note placed in the confidential section stating where it may be found.

Once placed in the confidential section the information may only be disclosed with the manager's approval, in consultation with the author/originator and the social worker.

When it has been approved to make a disclosure of information contained within the confidential section the disclosure must be recorded at the front of the confidential section of the file.

Changing a Record

If a young person claims that information contained in the record/file is inaccurate, incorrect or misleading about a matter of fact, s/he may ask for it to be corrected or changed.

If there is disagreement between the originator and the young person, the House Manager should make a decision on whether or how the record should be amended.

This may result in the original record remaining the same and an additional record of the young person's views being made

Where the record is approved to be amended the originator should make any changes.

Any changes made must be signed and dated by the author of each written entry.