Children, Adults and Health
Process for handling requests for information from the Police

Guidance for handling requests to access information from social work records received from the Police

The Police may need to access information from social services records as part of their investigations. They are able to make such requests under the Data Protection Act (DPA) 1998 with most requests being made under section 29(3) of the DPA (prevention and detection of a crime).

In addition, there is a national protocol in place for the sharing of information between the Police and local authorities in cases of alleged child abuse and / or family court proceedings involving children. The protocol can be found from the following web link:
http://www.cps.gov.uk/publications/docs/third_party_protocol_2013.pdf

The Police and the local authority will often need to share information as part of local safeguarding procedures. For children's services this is documented in '*Working Together'.*

The purpose of this document is to provide guidance to staff receiving requests for information from the Police.

What do I do if I receive a request to view records from the Police?

Any request from the Police must be in writing and needs to:

- clearly set out the information they wish to access,
- the reasons why and
- detail the powers under which the request is made.

For requests made under the protocol mentioned above there is a form (Annex C) which is provided at the end of this document.

The request should be registered with the Complaints & FOI Team in case there is any further contact from the Police (or Crown Prosecution Service if

the matter goes to court). The request must also be added to the relevant social work record the Police have requested to view.

Complaints & FOI Team
Children, Adults & Health
Telephone: 01454 865924
Team email: CAHfeedback@southglos.gov.uk (non-secure)
Secure Team email: Complaints&FOI@southglos.gcsx.gov.uk

Who should prepare the information for the Police to view?

If the case is open to a social work team then it makes sense for that team to handle the request. In some instances the social work team and the Police may have been sharing information previously under local safeguarding procedures. Therefore the team will have knowledge of the key issues and will be better able to assist the Police. If the case has only recently closed to the social work team they may still be asked to handle the request.

The Complaints & FOI Team will process closed cases although may request support from local teams as required. The Complaints & FOI Team can also provide advice as required to social work teams processing requests.

What can I share with the Police?

The written request should detail what specific information the Police wish to access from the record. They will also provide an overview of their investigation to help you determine what they may need to access. Clarification should be sought from the Police Officer if the request is too vague.

What can't be shared with the Police?

Information relating to any court proceedings should not be included in the files to be examined by the Police. Legal advice should be sought on any cases which the Council's Solicitors are involved with (or have recently been involved).

How long do I have to prepare the information for the Police?

The written request should include reasonable timescales for the Police to be given access to relevant material, but the presumption will be that the Local Authority will deal with any request from the Police as expeditiously as possible so as to not to jeopardise the criminal investigation.

Arrangements will need to be made for the Police Officer to visit the Council office to view the files that have been prepared for them.

Can the Police Officer make notes and take information away with them?

Yes, the Police Officer will take notes and they may ask to have copies of information. This needs to be saved to the record and also sent to the Complaints & FOI Team.

Where copies of information are provided to the Police the following statement should be included in the response enclosing the copied material:

The enclosed information has been provided to you in response to your request under section 29(3) of the Data Protection Act 1998. Accordingly, these documents are provided on the understanding that they are for Police investigation and Crown Prosecution Service decision purposes only and must not be further disclosed to any other parties/bodies without further request to the Council. The Council should first have the opportunity to consider public interest immunity and redaction of the documents prior to any wider disclosure, particularly with regard to third party information which may be sensitive and potentially damaging.

Recording requests

As mentioned above a record of the request should be held with the Complaints & FOI Team and also on the service user's social work record.

The information relating to the request will be retained by the Complaints & FOI Team for 7 years from the point of disclosure (point of closure). The point of closure date may be revised if there is further contact, for example, contact from the Police or Crown Prosecution Service in relation to the information provided.

Role of Business Support

Business Support may assist in the collation of documentation for disclosure under the direction of the relevant Team Manager or Complaints & FOI Team.

The relevant Team Manager, Practice Manager or Complaints Team are responsible for advising Business Support staff on the documentation to be shared with the Police. Business Support are also likely to assist in the arrangements for Police to come and view the documentation.

Process for handling disclosure requests from the Police

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┌─────────────────────────────┐
│ Request received (clarification │
│ sought if required)          │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐
│ New 'Contact' added to SU's  │
│ record.  C&FOI Team record   │
│ on Respond database          │
└─────────────────────────────┘
              │
              ▼
         ◇ Currently or              Yes    ┌──────────────────────────────┐
         recently known to  ────────────────│ Send request to Legal        │
         Legal Services? ◇                  │ Services.  They will need to │
              │                             │ consider what info is disclosed │
              │ No                          └──────────────────────────────┘
              ▼
┌─────────────────────────────┐           ┌──────────────────────────────┐
│ Gather documents to be      │- - - - - -│ Electronic records: e.g. for │
│ considered for disclosure.  │           │ children's services - run case │
└─────────────────────────────┘           │ note report and comms log    │
              │                            │ from ICS, chronology and     │
              ▼                            │ assessments from Viewpoint.  │
┌─────────────────────────────┐           │ Recall paper records from SG │
│ Team Manager / Practice     │           │ Records.                     │
│ Manager / C&FOI Team        │- - - - - -└──────────────────────────────┘
│ make decision on disclosure │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐
│ Notify Police that documents │
│ are ready to view           │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐           ┌──────────────────────────────┐
│ Police visit to view        │           │ Practice Manager / Team      │
│ documentation.  They may    │           │ Manager / C&FOI Team         │
│ request to see specific forms│- - - - - -│ consider request for         │
│ from the chronology and this │           │ disclosure and will respond to │
│ request may be handled during│           │ Police Officer               │
│ their visit.  The Police will│           └──────────────────────────────┘
│ advise of any documents they │
│ wish to have copies of.      │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐
│ Any copies of information    │
│ provided to the Police must be │
│ scanned and sent to the      │
│ C&FOI Team.  Template        │
│ response should be provided. │
└─────────────────────────────┘
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Annex C Protection of children: request for disclosure of material

1. The Police are conducting a criminal investigation into allegations made against the following individuals:			
NAME:			
ADDRESS:			
DATE OF BIRTH:			

2. The circumstances of the allegations are as follows:
(Attach case summary, key witness statements, expert reports as appropriate)

3. Details of child/ children involved in the allegations			
Name			
Address			
Date of Birth			
Relationship to offender(s)			
Victim or witness			
Social worker			
School(s) Attended (with dates)			

4. I believe that your Authority may hold the following material relating to the alleged offender(s) or the above child / children which may be relevant to my investigation
[Describe material in precise detail, specify relevant time periods, relevant addresses, schools attended etc]

Any material obtained by us will be treated as sensitive and dealt with in accordance with Criminal Procedure and Investigations Act 1996. In accordance with paragraph 3.5 Code of Practice CPIA, we are under a duty to pursue all reasonable lines of inquiry, whether these point towards or away from the suspect. Such lines of enquiry include seeking access to the above material which you may hold. Our investigation might be prejudiced or delayed if we are not allowed access to the material.

In accordance with the … Area Protocol re exchange of information in child abuse cases, we would ask that arrangements are made for us to examine the above material. Any material relating to Family Court Proceedings must not be made available except with consent of the court or in accordance with Family Procedure Rules 2010

5. In the circumstances of this investigation, it is important that arrangements are made for us to examine the material by: **[Date]**
Stage reached in investigation: **Please select**
Date of next Court hearing:
Officer: **Police Station:** **Date:** **Tel:** **Fax:** **Secure Email:**
Is officer serving in child protection unit or paedophile unit? **Please select**