

ACCESS TO RECORDS - GUIDANCE FOR FOSTER CARERS

Under the Access to Files Act 1987, all organisations are required to operate an open access policy to enable individuals to have access to the information, held by an organisation, relating to them. All information, however it is stored, for example electronic information, paper files, audio and video recording etc can be requested by the individual.

Children and Young People's Service, Leicestershire County Council has had an open access policy since 1989. However, whilst access to records prior to this date may be requested, it is important to note that these may be given in summary format.

The policy affects Foster Carers in two ways: firstly, as individuals on whom the department maintains records, you will be entitled to see information that is held about yourselves. This information will be contained in the records that are created when new foster parents are assessed, on all current and future foster home reviews, placement reports and any other records that are made by the family placement team.

You have the same rights as other individuals to request access to these records. In addition all staff are encouraged to share records wherever possible.

There is provision in the policy that protects the rights of third parties so that the permission of those third parties has to be sought by us before we share information given by them. Third parties are generally everybody other than the client or the department.

The second way in which the policy affects you is in that the Department of Health regards foster carers as co-workers rather than third parties and has defined them as "people who have performed for reward a function similar to a Children & Young People's Service function". (DoH Access to Personal Files – Leicestershire County Council, Children & Young People's Service Regulations.)

This has implications for you related to the information which you may share with social workers and which is then placed on the child's file. In the event of the department receiving a request for access, we would be obliged to reveal both the information you have given us as well as revealing you as the source of the information.

We are conscious that this legislation may create difficulties for foster carers in that you supply us with facts and information related to the progress of your foster child, your views on contact arrangements with members of the birth family etc. This information is then recorded on our files. Your recording logs can also be requested as part of court proceedings or as part of an access to files request.

We do offer support and guidance, which will offer you some assistance in potentially contentious situations. The department values your observations and opinions, so we trust this legislation will not discourage you from continuing to provide this. If you have doubts in specific instances, do not hesitate to discuss them with the social work staff concerned. This issue is covered in some detail in the training we provide on "Record Keeping".