

## **ECYE50. Establishment of Information Rights Team**

The Education, Children and Young People Executive considered a report by the Acting Director of Transformation, Communities and Corporate Services which sought approval for the creation of 2 new permanent posts of Information Rights Officer based in the Information Governance Unit.

There had been an increase in requests from individuals to access their childhood social work records as a result of the Scottish Child Abuse Inquiry (Inquiry) and the new statutory redress scheme for survivors of child abuse. This was putting pressure on an already stretched service, which had been struggling for some time to deal with requests for access to records under data protection legislation – known as subject access requests (SARs).

Data protection legislation gave individuals a right to access information from the Council that related to them by making a SAR, with very tight timeframes for responses. The Council did not have a central team which dealt with these. The Council had been struggling to meet statutory timescales for many SARs in part due to the complexities of many of the requests.

In many cases, there were challenges as individuals often requested all historic information held about their childhood. These complex and often extensive records may relate to adverse childhood experiences and measures taken to safeguard and protect them as children. Records could relate to involvement in child protection processes or a person's care history including foster care, residential care or adoption. This information was highly sensitive and could be upsetting for people to read about, often finding out details about their family history and life experiences that they did not know about until receiving the information. It was essential that such requests were dealt with sensitively and that appropriate support was provided to the person before, during and after receiving the information.

It was proposed that an Information Rights Team was established within the Information Governance Unit, comprising 2 FTE posts of Information Rights Officer. These posts would be line managed by one of the existing team leaders within the Unit, with professional advice and support available from the Information Governance Manager. The small team would:-

- act as a single point of contact for SARs for Children's Social Work;
- take a proactive approach to dealing with SARs (both those in the backlog and future SARs) including those relating to financial redress;
- liaise closely with requesters as to their needs and the anticipated timescales for dealing with their request;
- in-gather records from Children's Social Work (paper and electronic), including sourcing these from the Social Work File Store (which already fell under the remit of the Information Governance Unit);

- seek third party consent to release information where appropriate;
- ensure records were properly redacted, and those redactions documented and justified (with advice from social workers where required), and
- ensure that requesters were provided with appropriate support if required when information was provided to them.

The proposal was for permanent posts on the basis that there would be sufficient ongoing work for such a team. Once the backlog was cleared, it was likely the team would be occupied with ongoing, business-as-usual work. If there was any spare capacity, the team could potentially widen its remit to support other areas of the Council with SARs. Recruiting to permanent posts would be more likely to attract good candidates for the demanding roles.

## **Decision**

### **The Education, Children and Young People Executive:-**

- (1) noted recent developments and challenges, in particular the pressures facing Social Work - Children's Services in dealing with SARs, and**
- (2) agreed to the creation of 2 new permanent posts of Information Rights Officers within the Information Governance Unit.**