



Ms MM Simmons

[request-137135-7db83494@whatdotheyknow.com](mailto:request-137135-7db83494@whatdotheyknow.com)

5 December 2012

Our ref: 5284447

Ask for: Sarah Clarke

Dear Ms Simmons

## **FREEDOM OF INFORMATION ACT 2000 – COMPLAINTS**

Thank you for contacting Worcestershire County Council.

Unfortunately we are unable to answer one of your questions, number 4, from the details provided. We are unable to answer this question as it is not specific enough. We would be able to provide information about how many children are currently looked after under S.20 of the Children Act 1989. We would not be able to provide any more detailed information.

If this is acceptable to you, then your request will then be considered and you will receive the information requested within the 20 working day timescale as defined by the Freedom of Information Act 2000, subject to the information being exempt from legal disclosure.

In some circumstances WCC may make a charge for this information. This will be considered and we will tell you if a fee is payable. In this event the fee must be paid before the information is processed and released. We will inform you once we have received more details.

**In some circumstances WCC may need to consult with third parties (people not employed by WCC) about the release of information relating to them or their organisation. Please let me know if you do not wish your name to be released to any third parties we may need to contact in order to fulfil this request.**

If I do not hear from you within three months of this letter I will assume that you do not wish to progress your request.

We can, however, provide a response to the rest of your questions:

Sarah Clarke  
Data & Information  
Officer

01905 728932

PO Box 73  
County Hall  
Spetchley Road  
Worcester  
WR5 2YA

## Your request and our response:

1. *Have you got recorded information on when a person is stopped writing further letters to this council regards-*

(a) *complaints*

(b) *having a complaint looked at when there was written evidence in there not sent into the council before, yet information that was known about before a case ended during family law proceedings? Evidence the solicitor had in the files the judge did not get to see that a parent feels the council should be concerned about.*

(c) *been offered a receipt only with no response to this further information as described in (b) even if the first part of the complaint known about was not upheld (i.e. i am referring to the further information added to the complaint and not the complaint in it's first stages as it was, just the new evidence not been answered concerning a social worker's early pre-meditated plans to have a child adopted as disclosed to family members years before the parent with PR knew)*

(d) *any recorded information on when and how a person is banned from writing a letter/complaint to this council?*

(e) *how a person would be officially informed they are banned?*

(f) *how a parent knows if they are banned from writing to the Council any further or not?*

Worcestershire County Council never stops people writing to the Council, and so we hold no information on such a category as 'banned from writing to the Council'. We hold records on every individual complainant, some of which may contain letters that advise them that further correspondence on the subject will not be responded to.

We also operate a vexatious procedure but again this does not ban people from writing to the council.

All complaints are investigated according to the statutory requirements. Any complainant will be sent information about the Council's complaints policy and process and can write to the Ombudsman if they feel the investigation was unfair or was not in accordance with statutory guidance. We are unable to comment on the specific issues raised in (b) and (c) as this relates to a complaint in relation to a specific child and does not fall within the remit of the Freedom of Information Act.

2. *Can i ask for recorded information on how social services respond to suspected child abuse referrals? Also if there are time scales to investigate if the referral wasn't acted upon efficiently by them?*

Worcestershire County Council Safeguarding & Services fulfil the Council's statutory social care functions, including how we respond to child abuse referrals. Please find attached the current guidance to social workers. This is based on our legal duties under The Children Act 1989 and 2004. (see Leaflet B/1 & C/1 attached). All referrals to the Access Centre must be responded to within 24 hours. Where there is a concern about a child that may require investigation a Strategy Discussion with the police should be held within 2 days. Where an

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investigation into an allegation of abuse is agreed this should be undertaken within 7 days, but may take much longer depending on the complexity of the investigation. If the investigation indicates significant harm to a child then a Child Protection Conference must be held within 15 days.

3. *Are there any figures available for adoptions which have subsequently been brought in to question due to either questionable evidence or any other reason and if so can you provide information of the number of cases in the past ten years? Can i have the recorded information please?*

All decisions about whether a child is adopted, except for relinquished babies, are made by the Courts. We hold no information to indicate that any decisions made by the Courts have been subsequently brought to question due to questionable evidence. Parents may often challenge evidence put before the courts by social workers. It is a matter for the Court, usually a Judge, to determine what evidence they rely on when making their judgement. This is recorded by the Court.

4. *Can i request all recorded information on Section 20 voluntary care under CA 1989?*  
We are unable to answer this question as it is not specific enough.

5. *What recorded information do you have how a social worker is meant to respond and their duties to, if they are assaulted during work time by a parent (I'm not requesting their personal data information) and do they have to report this or can they choose not to? and would judges in future cases be made aware this had happened and how many times this had happened before? (not that i condone it)*

We have guidance to social workers on dealing with violence and aggression and I attach this for your information. We would expect a social worker to report this to their line manager in order to receive support and for any risks to be managed.

6. *Does legislation allow for a social worker to apply for medical records without a parent's consent and if so is it standard practice for this Council to exercise this right when a parent refuses to give consent.*

A social worker can request any information from any source, including medical information without consent if the reason for the request meets the following criteria under the Data Protection Act:

Safeguarding a child or another person  
Public Interest  
Prevention of a crime

It is for the person to whom the request is made to determine whether they agree to share the information requested.

A social worker may also request information, including medical information, about a child where the local authority shares parental responsibility through a Care Order/ Interim Care Order.

A court may also order a person or agency to share information and override consent.

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If you have a complaint about the handling of this enquiry then in the first instance please contact:

Consumer Relations Department  
Worcestershire County Council  
County Hall  
Spetchley Road  
Worcester  
WR5 2NP

Tel: 01905 766364

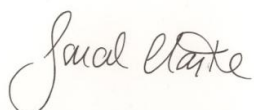
You can then also contact the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 54 57 45

[www.ico.gov.uk](http://www.ico.gov.uk)

**Yours sincerely**

A handwritten signature in cursive script, appearing to read 'Sarah Clarke', written in black ink.

Sarah Clarke  
Data & Information Officer

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