

Children's and parents' access to child protection files

Under the Data Protection Act 1998, any child who has a child protection file has a right to access it unless to do so would affect their health or well-being or that of another person, or would be likely to prejudice an ongoing criminal investigation.

The Education (Pupil Information) (England) Regulations 2005 gives parents the right see their child's school records. However, neither the child nor the parent has an automatic right to see all the information held in child protection records. Information can be withheld if disclosure:

- Could cause serious harm or is likely to cause serious harm to the physical or mental health or condition of the child or another person; or
- Could reveal that the child or another person has been a subject of or may be at risk of child abuse, and the disclosure is not in the best interests of the child; or
- Is likely to prejudice an ongoing criminal investigation; or
- The information about the child also relates to another person who could be identified from it or the information has been given by another person who could be identified as the source, unless the person has consented to the disclosure or the person providing the information is an employee of the establishment or the Local Authority.

It is best practice to make reports available to the child or their parents unless the exceptions described above apply. If an application is made to see the whole record, advice should be sought from the child's social worker, if they have one, and the Local Authority.

When disclosing information, all third-party information must be removed, or consent sought for its disclosure from the person concerned. For example, all identifying information about other children or members of the public who have shared information about the child must be removed before disclosing information.

Parents (i.e. those with parental responsibility in law) are entitled to see their child's child protection file, on behalf of their child, with the same exceptions applying as to the child's right to access. An older child may be entitled to refuse access to their parents. The school should take advice about information sharing with parents if they have particular concerns about doing so. However, it is generally good practice to share information held, unless there is a valid reason to withhold it, e.g. if by doing so would put the child at significant risk of harm.

If a parent makes a request to access the file on the child's behalf, it should be done in writing.