

CASE RECORDING POLICY AND THE RETENTION OF RECORDS



Introduction

This policy has been produced to establish the purpose and format of files kept by Foster Care Link and to make clear to staff and carers the policy for the retention of these records.

Statutory Framework

The activities of both foster carers and fostering services are governed by the Fostering Services National Minimum Standards and the Fostering Services (England) Regulations 2011.

Standard 26.1 requires the fostering service to produce a written policy on case recording which establishes the purpose, format and content of files and clarifies what information is kept on carer's files and what information is kept on child's files.

Standard 26.3 requires the fostering service to ensure that carers, children and their parents know the nature of records maintained and how to access them.

Standard 26.6 and 26.7 encourages children to access their records, make additions and comments and record personal statements, including any dissent.

The 1998 Data Protection Act, which came into force on 11th March 2000 gives any living person who is the subject of personal information held by a local authority or independent agency, rights of access to that information.

The Purpose of Record Keeping

Case recording is not an activity which is separate to social work practice, but rather an integral part of the social work service agencies provide to children and families. This applies equally to fostering services and their carers.

The purpose of recording is to:

- Provide a factual summary of the carer's personal details and circumstances
- Maintain a record of assessments, supervisory visits, plans and reviews
- Provide an account of the service that has been, or is to be, delivered
- Include descriptions, professional opinions and direct observations of the worker
- Summarise the user's own views and perspective
- Monitor the care provided by the foster carer
- Facilitate reviewing the worker's practice in supervision

Ideally recording formats themselves must be accessible and take account of the diversity of needs of carers. This might mean:

- The use of Braille or tape transcripts for carers with visual disabilities
- The translation of records for carers whose first language is not English

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Recording Standards

Full details of the standards to be applied in recording are detailed in the Foster Care Link procedure manual. The following is a summary of the minimum standards for case recording.

All records must:

- Be legible
- Be accurate
- Distinguish fact from opinion
- Be up to date
- Contain basic details of all contacts
- Be written in plain language
- Be well maintained

File Format

Each file will be created and maintained in the format reproduced as Appendix A of this policy.

All files in respect of approved carers will contain as a minimum:

- A record of the initial enquiry process
- The carer's application form
- The original report on the assessment of the carer and any other reports submitted to the Fostering Panel
- A record of the carer's attendance and performance at a preparation group
- The information obtained in relation to the assessment, approval, review or termination of approval of the carer
- Statutory references and medical reports
- The notice of approval
- The Foster Care Agreement
- Annual reviews of approval
- Notices of the outcome of reviews of approval, including revised terms of approval or notices of termination of approval
- Any agreement entered into by the carer in respect of an emergency placement
- A record of each placement made with the carer, including the name, age, ethnicity, religion and sex of each child placed, the dates on which each placement began and terminated and the circumstances of the termination
- A copy of the carer's safe caring guidelines
- A copy of the carer's training portfolio
- A copy of the carer's training profile
- A record of any complaints or allegations made in respect of the carer, together with the details of any investigation, its outcome and any action taken
- Evidence of management oversight and audit

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All files in respect of applicants who are not approved as carers or who withdraw their application prior to approval will contain as a minimum:

- All information obtained in connection with the assessment
- Any reports submitted to the Fostering Panel and any recommendations of the Panel
- Any notices given that Foster Care Link is minded not to approve or has not approved the application
- Any representations received in respect of the above notifications
- A closing summary

Records in Respect of Children Placed

Foster Care Link will not keep separate files in respect of children placed with our carers.

If a placement is not made, information received in respect of the child will be returned to the referring agency or be destroyed .

Once a placement has been made, information in respect of the child will be placed in a separate, clearly identified module of the carer's file.

This information will include:

- A copy of the referral in respect of the child from the placing authority
- Any reports or background history in respect of the child
- Copies of any Looked After Children System/Integrated Children's System Records such as Essential Information Records, Care Plans, Review of Arrangements and Assessment and Action Records

Once a placement ends, any such information shall be returned to the responsible social worker in the placing authority or be destroyed.

Case recording on carer's files will clearly identify if the recording is in respect of the child or the carer.

However, the nature of fostering is such that it is often difficult to separate the two when recording specific incidents. For example, if the child was missing from placement and the actions taken by the carer were being recorded, then it would be impractical to record this in such a way that kept the child and the carer entirely separate. It must therefore be recognised that such information in respect of children will remain on the carer's file even after the placement has ended.

Other information will also be retained on the carer's file that may contain information in respect of children who have left placement. This will include records of complaints made against the carers and copies of any LAC Placement Plans.

Foster Care Link will retain a central record of referrals in respect of all children referred for a placement.

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This will be by retaining a copy of all referral forms regardless of whether a placement is made or terminated. This information will be used to monitor demand and inform future recruitment activity.

Role of the Manager

The Registered Manager is expected to read files and develop good case recording skills in staff.

The Registered Manager will sign all assessment reports and reviews of registration.

Files will be audited and countersigned by the Registered Manager at a minimum of every four months.

Carer's Contributing to Records

Carers will be encouraged to contribute to their case records.

For applicants this will begin with an expectation that they contribute to the assessment report. This will be done in a variety of ways including eco-maps and family trees as well as the body of the report itself.

Approved carers will have a number of formal opportunities to contribute to their case record including:

- Feedback on placements
- Annual reviews
- The creation and maintenance of their training profile
- The creation of their individual safe caring guidelines

Carers will also be encouraged to make more general contributions to their case records throughout the year. Foster Care Link will ensure that carers are aware of their right to access information held in respect of them and welcomes requests for such access.

Where a carer identifies a factual error in information held, this will be corrected immediately.

Where a carer disagrees about an opinion or judgement of their supervising social worker or others and it is possible to reach agreement on amendments to the record, these will be made. If it is not possible to reach agreement, the carer's views will be recorded alongside the worker's.

Register of Foster Carers

Foster Care Link will maintain a register of approved foster carers which will include the following particulars:

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- The name, address, date of birth, ethnic origin, religion and sex of each foster carer
- The date of approval and each review of approval and
- The current terms of approval

Fostering Panel

Members of the Fostering Panel will be provided with confidential information on a regular basis. Full details on the handling of such information is detailed in the Foster Care Link Panel procedures and the following are some of the key points contained within this procedure:

- All Panel members will be required to sign a declaration agreeing to respect the need for confidentiality
- All Panel papers will be delivered to Panel members by hand, registered post or courier
- All Panel papers are handed to The Panel Administrator at the end of the Panel meeting.

Access to Records

Foster Care Link encourages and welcomes requests from carers for access to their records – see separate Access to Records Policy.

Storage of Records

Foster Care Link recognise the importance of case records and will do all in its power to ensure records are kept secure at all times.

Files are the property of Foster Care Link and should be accessible to authorised staff only. They should be kept in locked filing cabinets, in clearly labelled slings and in alphabetical order.

The worker responsible for a file will ensure that all files are stored in a metal lockable cabinet and that files are never left on a desk overnight, or for any significant period when not being used.

Files may need to be taken out of the office, for example to present at court, or to allow a worker to work away from the office. Prior permission must be obtained from the Registered Manager.

Whenever a file is removed from its usual place of storage, a record must be made, which can easily be found, which clearly states who has the file and when it was taken.

The record may be:

- A tracer card which sits in the place where the file would normally be, or
- An entry on a computer data base, or
- In a log book

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The current volume must be clearly labelled, with the start date and the number of the file in the series of volumes.

Retention of Records

The records referred to above under File Format and Register of Foster Carers will be retained for at least 10 years from the date an approval is terminated or from the date an approval is not approved or withdrawn.

Disclosure of Information and Confidentiality

Personal information is subject to a legal duty of confidentiality and should not normally be disclosed without the consent of the subject. However, the law provides for confidential information to be disclosed without consent if it is necessary for the protection of health or morals, the protection of the rights and freedom of others or for the prevention of disorder of crime.

Disclosure in such circumstances will be limited only to that information which is necessary for the end that has to be achieved and should be limited to those that need to know.

Decisions about sharing confidential should be made on a case by case basis and decisions to disclose without consent should be recorded on the file together with reasons.

Where disclosure is to be made without consent, the subject should be made aware that the information is being passed on so that they have the opportunity to correct any inaccuracies or take legal steps to challenge the disclosure unless not doing so can be justified for overriding public policy reasons such as the protection of children or the investigation of a crime.

Requests for the disclosure of confidential information will always be passed to the Registered Manager.

Care should also be taken to ensure that confidential information is not accidentally disclosed by the overhearing of telephone conversations or other discussions.

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Appendix A

File structure for Carers Files

1. Key information

- Profile of carers
- Record of placements
- Foster Care Agreement
- Safe caring guidelines
- Maps/directions to placement

2. Case recording

- Contact sheets
- Case recording
- Record of unannounced visits
- Closing summary
- Records of management action including file audit and supervision decisions

3. Assessments

- Form F

4. Reviews

- Annual review forms
- Placement reports

5. Correspondence

- Letters, memos, messages, e-mails

6. Notices

- Notices of approval, variation of approval, termination of approval
- Notices of the outcome of reviews
- Panel minutes, decision making meeting minutes

7. Training

- Record of attendance at preparation group
- Carer's training portfolio
- Training profile
- Record of training attended

8. Placement Plans

- Current and previous LAC Placement Plans Part 1 and 2

9. Child's module

- A copy of the referral in respect of the child from the placing authority
- Any reports or background history in respect of the child
- Copies of any Looking After Children System/Integrated Children's System Records such as Essential Information Records, Care Plans, Review of Arrangements and Assessment and Action Records

10. Third party information

- Information that should not be disclosed without the permission of the third party

11. Confidential

- Information that is confidential from the service user

12. Complaints

- Records of any complaints or allegations made in respect of the carer, together with the details of any investigation, its outcome and any action taken