



# RECORDS AND RECORDING POLICY

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# 1. INTRODUCTION AND LEGAL FRAMEWORK

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Worcestershire Children First Fostering (WCFF) has a duty to maintain records on its staff, foster carers and children who are placed with those carers. There are clear expectations about what records must be kept and how confidential information should be stored. WCFF also have a responsibility to ensure that foster carers are aware of their role in recording information for the children that they look after.

The Fostering Services (England) Regulations 2011, Regulation 22, 26(2)(d), 30 and 32 relates to the records that the fostering service need to keep, retention of those records and confidentiality of records. This is further enforced by the National Minimum Standards for Foster Carer Standard 26 and the Statutory Guidance 3.78, 3.79 and 5.75 to 5.79. This policy should be read in conjunction with the relevant legislation.

## 1.1 DATA PROTECTION LEGISLATION

Where you read the phrase “Data protection legislation” throughout this document it relates to the Data Protection Act 2018 and the General Data Protection Regulations (GDPR).

Data protection is the fair and proper use of information about people. It is part of the fundamental right to privacy. It's about treating people fairly and openly, recognising their right to have control over their own identity and their interactions with others and striking a balance with the wider interests of society.

On 25 May 2018 the Data Protection Act 1998 (DPA) was replaced by the General Data Protection Regulation (GDPR).

GDPR puts in place up-to-date controls and rules around how information about individuals (personal data) is managed and protected, and gives individuals increased rights over their data and more control over what happens to it.

At the heart of GDPR are 6 rules known as the Data Protection Principles.

1. Lawful, fair and transparent processed in transparent manner
2. Limited purposes
3. Data minimisation limited to what is necessary in relation to the purpose
4. Accuracy
5. Storage limitation
6. Integrity and confidentiality

WCFF is accountable for what it does with personal data. It is monitored by Worcestershire County Council's Information Governance and Compliance team. The County Council is registered with the Information Commissioner as a Controller of personal data, the registration number is Z5699200.

This policy sets out WCFF's procedural on the management of information.

For information on foster carer's recording on children placed with them please refer to WCFF's Guidance for Foster Carers on Recording.

## 2. WHY ARE RECORDS KEPT?

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WCFF holds personal records on individuals for the following reasons:

- as a professional tool: records provide information that will enable staff now and, in the future, to properly undertake their professional social work tasks and/or discharge their legal duties towards an individual e.g. to gather sufficient information to be able to assess needs, plan services, monitor and review their effect.

- to account for actions taken: records provide for professional and administrative accountability in some instances to the Court or Government and importantly, to service users and foster carers themselves.
- to comply with the law: in some instances, the law requires that certain records are made and kept by us e.g. records of action taken in response to particular legal duties (e.g. reviews of looked after children)
- to provide a record of events for an individual: records can be an important way of helping an individual, who has been cared for, know of the details of their past (e.g. where a child has been looked after and as an adult seeks information about their childhood).
- to help with supervision and professional development: the inspection of records is a vital way in which managers can see whether services are being provided in a professional manner and can guide and support the actions of practitioners and others providing services.
- to assist with training: anonymised records can help with the professional development of staff and managers.
- to assist with research: anonymised records can help us to evaluate and improve the effectiveness of our services.

## 3. CHILDREN'S REGISTER

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Regulation 22 of the Fostering Regs requires WCFF to keep a record in the form of a register showing in respect of each child placed with foster parents—

- a. the date of the placement,
- b. the name and address of the foster parent,
- c. the date on which the child ceased to be placed there,
- d. the child's address prior to the placement,
- e. the child's address on leaving the placement,
- f. the child's placing authority (if it is not the fostering service provider),
- g. the statutory provision under which the child is placed with foster parents.

This is known as the Children's Register. This information is kept securely on the electronic recording system in the placement section of the foster carers record. A report can then be run which will show the children who are in placement and who have previously been in placement.

## 4. RECORDS ABOUT FOSTER CARERS

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The Fostering Service is required by law to keep records of all approved foster carers, including family and friends (kinship) carers.

### 4.1 REGULATION 30 - CASE RECORDS RELATING TO FOSTER CARERS.

1. A fostering service provider must maintain a case record for each foster parent approved by them which must include copies of the documents specified in paragraph (2) and the information specified in paragraph (3).
2. The documents referred to in paragraph (1) are—
  - a. the report prepared under regulation 26(3)(b) and any other reports submitted to the fostering panel,
  - b. any recommendations made by the fostering panel,
  - c. the notice of approval given under regulation 27(5)(a),



- d. the foster care agreement,
  - e. any report of a review of approval prepared under regulation 28(4), and
  - f. any notice given under regulation 28(12).
3. The information referred to in paragraph (1) is, as the case may be—
- a. a record of each placement with the foster parent, including the name, age and sex of each child placed, the dates on which each placement began and terminated, and the circumstances of the termination,
  - b. the information obtained by the fostering service provider in relation to the assessment and approval of the foster parent, and in relation to any review or termination of the approval.
4. A local authority must maintain a case record for each person with whom a child is placed under regulation 24 of the Care Planning Regulations (temporary approval of relative, friend or other person connected with the child) which must include in relation to that person—
- a. a record in relation to the placement, including the name, age and sex of each child placed, the date on which the placement began and, if the placement has been terminated, the date and circumstances of the termination, and
  - b. the information obtained in relation to the enquiries carried out under regulation 24(2) of the Care Planning Regulations.
5. The fostering service provider must compile a record for each person whom they do not approve as a foster parent, or who withdraws their application prior to approval, which must include—
- a. the information obtained in connection with the assessment,
  - b. any report submitted to the fostering panel and any recommendation made by the fostering panel,
  - c. any notification under regulation 27

## 4.2 REGULATION 31 - REGISTER OF FOSTER PARENTS

The fostering service provider must maintain a register (a “register of foster parents”) and enter in it the following particulars in relation to each foster parent—

- a. name, address, date of birth and sex of each foster parent and, in the case of a local authority fostering service, of each person with whom it has placed a child under regulation 24 of the Care Planning Regulations,
- b. the date of approval and of each review of approval (as the case may be), and
- c. the current terms of approval (if any).

## 4.3 ADDITIONAL INFORMATION KEPT ON FOSTER CARERS FILES.

- A copy of the foster carer’s household safer caring policy
- A copy of the carer’s training record and personal development plan.
- Supervision\ support visit records and a record of any other contact with the foster care e.g telephone calls
- Notifications on children while placed
- Evidence of management oversight and audit.
- Any complaint or allegation relating to the foster carer and the outcome of this.

## 5. HOW RECORDS ARE KEPT

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WCFF keeps electronic records. Where there are historic paper records for carers who were approved by Worcestershire County Council these are kept securely.

Foster carers should also be given copies of any documents submitted to the fostering panel, reports which contribute to the annual household review, supervision reports and any paperwork relating to a child they are caring for e.g. Placement Plan , Care Plan, Delegated Authority Tool , medical consent , Individual Safer Caring\ Risk Assessment.

## 6. CARERS CONTRIBUTION TO RECORDS

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WCFF encourages all carers to contribute to their case records. There will be a number of formal opportunities to contribute to the case record including:

- Feedback on placements
- Annual review of approval
- Creation and maintenance of the foster carer training profile
- Household safer caring plan
- Supervision records.

Carers are also encouraged to make more general contributions to their case records throughout the year and information written about the foster carer should be shared with them.

Where a factual error in information held is found, this will be corrected immediately.

If there is a disagreement regarding an opinion or judgement that has been recorded, the record should remain unaltered, but in addition a record should be made of the details of the disagreement, including a record of the other person's point of view. This would be particularly important to evidence, as the information might be relevant for future decision-making.

## 7. RECORDS ON MEMBERS OF THE FOSTERING PANEL

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National Minimum Standard 19.3 outlines the records and checks that need to be undertaken on all those who work in the fostering service including those members of the Fostering Panels.

Panel member's files are co-ordinated through the Panel Advisor as required by the standard they include

- Identity Checks
- DBS disclosures including the level of disclosure, and the unique reference number
- Checks to confirm qualifications which are a requirement and those that are considered by the fostering service to be relevant
- At least two references preferably one from a current employer, and where possible a statement from each referee as to their opinion of the person's suitability to work with children
- Checks to confirm the right to work in the UK
- Where the person has lived outside of the UK, further checks, as are considered appropriate, where obtaining a DBS Disclosure is not sufficient to establish suitability to work with children.

WCFF also retain the foster carers application to the fostering panel, interview notes, notes from the panel member's annual review., Confidentiality, GDPR and panel membership agreement and their training record.

## 8. WHEN FOSTER CARERS CEASE TO FOSTER OR END OF A PLACEMENT

All information regarding the child/children must be returned to the supervising social worker at the end of a child's placement. Foster carers are allowed to retain personal items such as photographs and copies of personal letters.

## 9. RETENTION OF RECORDS

The fostering service has to legally retain records that are compiled for approved foster carers and also those who have not been approved or who have withdrawn their application to approval. These include all the records discussed under the Records about Foster Carers section above and also include foster carers who are temporarily approved (under Regulation 24 of the Care Planning Regulations).

Set out below is the legal requirement which WCFF meets.

Type of Record	Retention Schedule 4
Register of foster carers	Minimum 15 years from the last date of entry
Register of children placed	Minimum 15 years from the last date of entry
Record of actions to children while placed with foster carers	Minimum 15 years from the last date of entry
Records as set out in Regulation 30 (2 -4)	
(please see section above)	Minimum of 10 years
Records as set out in Regulation 30 (5) where applicants are not approved	Minimum of 3 years from the refusal to approval or the withdrawal of the application.

In accordance with the regulations records are kept securely with restriction on access to the electronic records.

Records are available to another fostering provider within one month of WCFF receiving a written request with consent from the individual that the records relate to.

