



## **Record Keeping and Confidentiality**

### **Principles for staff**

It is essential that all staff keep clear and accurate records relating to the children placed with, and referred to, the Agency. It is also important that comprehensive records are kept on approved carers, applicants and those who make enquires. Record keeping is the responsibility of all staff employed by AFA.

### **Principles for carers**

Carers must keep records on all aspects of their fostering. There are many reasons why it is important to make records, for example:

- To accurately recall events and behaviour
- To recall both positive & negative events
- To assist you and others in looking at the progress a child is making in the placement
- To assist you and others in decision making
- To provide 'back up' information when writing reports, which may include reports for court and LAC reviews
- To support a request for additional help for a child
- To help protect you and your family from allegations/complaints

The main files for all children and carers are maintained through CHARMS, which is an online recording system. All staff and carers will be provided with an account and login details to allow them to access CHARMS in AFA offices, at home, and elsewhere. It is very important to only access CHARMS in an area which you know to be safe and where others cannot view sensitive material. Login details and passwords must remain confidential and devices should be closed down if the user is going to be away from their laptop, personal computer or smartphone.

A limited amount of information is kept on hard files. This includes material on approved carers, as well as those going through the application process. The files contain key reports and information, including signed Form F documents and Annual Reviews. Signed Notices of Approval and Panel minutes are also kept on these files. No hard files are kept for children or young people and all recording relating to them is maintained on CHARMS.

Recording needs to be completed in a timely fashion to ensure accurate recall of events. Any discussions with Managers or other staff, as well as internal processes and decision making needs to be clearly documented in the relevant case file. Staff and carers are reminded that if an event or discussion is not recorded, there is no evidence that it has occurred, and this may have serious consequences for staff and carers.

## **Important elements of recording:**

- Record positive and negatives
- Be accurate
- Be factual
- Be confidential
- Be concise, but also provide all relevant information. More detailed recordings will be required in some instances, for instance if disclosures or complaints are made. Ensure you record advice or information given to carers or other professionals.
- As stated above, keep records up to date – Charms should be updated regularly, and records should be no more than 48 hours (2 working days) out of date. The frequency of recording is monitored regularly by Senior Management.

## **Retaining and sharing records:**

- Ensure you follow the safety procedures relating to data protection as outlined in your handbook. This is particularly important in terms of electronic filing and equipment
- Respect the confidentiality of children, young people, carers and their family
- Share information with Agencies and professionals working with the family, but ensure this is factual rather than personal
- All information emailed within the Agency and to other professionals, which includes confidential information, should be sent via encrypted email or password protected.
- Information should also be made anonymous where possible
- Any paper records or information should be kept in a locked safe place.
- Carers and staff must safeguard CHARMS login details, and these should not be written down for others to find and use
- Always maintain up to date and reliable anti-virus and internet security software
- Calls or video meetings must not be recorded without the prior consent of all parties and the appropriate consent form being signed at the start of the meeting/call.

## **Sharing information with others**

All records relating to a visit, supervision or meeting by staff with carers should be shared with them at the time or as soon after as possible. Carers should verify records by digitally signing them on CHARMS. This is evidence they have read and agreed the document.

Foster Carers have a right to access information recorded by Placement Managers and Social Workers. If complaints/allegations are made against them, carers are entitled to submit a written response with a request that it is kept on their file. This request can be made by a carer in writing following, for example, a Child Protection investigation.

Carers need to be careful about sharing too much information about the child/children in placement with their own family. A child also has a right to confidentiality, and consideration must be given to their feelings if sensitive information about them or their family is shared inappropriately. Some information about the child may need to be discreetly shared with family, friends or visitors to the home, for example, if a child is likely to exhibit sexualised or particularly hostile behavior. Only as much information as is strictly necessary should be shared in order to protect those involved. The family of a Foster Carer does not have the right to access CHARMS recordings or other paperwork. However, they do have a right to access information which relates to them, for example, consultation for a carer's annual review.

## **Managing information for court purposes**

Staff and Foster Carers may be required to provide evidence in court during care proceedings instigated by the Local Authority of the child or young person placed. This evidence could, for example, relate to how often parents have visited or observations of the parent or the young person's relationships during contact. Carers may also have direct knowledge of disclosures or the child's views on the Care Plan.

AFA expects all Foster Carers to keep good written records and any notes made before uploading information onto CHARMS system must be kept safe as they may be required when evidence is given in court. Carers and staff must ensure that all documents are dated.

AFA acknowledges the high expectations of carers in relation to recording, but Placement Managers will support and work closely with carers to ensure that the guidance is followed at all times.

## **Handling confidential information**

AFA assumes that any information that identifies an individual and is not already in the public domain is to be treated as confidential, and therefore the data protection laws will apply. Staff and carers handling information must ensure that:

- It is only shared with individuals authorised to have access;
- It is appropriate and necessary to share confidential information;
- They promote, support and protect the privacy, dignity and rights of children and young people;
- They comply with best practice;
- They conform with the law;
- They signed a confidentiality statement, a copy of which will be retained in their file. This relates to all staff, independent workers, Fostering Panel members and Foster Carers

## **When is it appropriate to share confidential information?**

It is generally only appropriate to share confidential information if informed consent has been given to its disclosure by the person to whom it relates. However, in some situations, the Agency will be required by law to share information, for example, if a court makes an order for certain information or case files to be brought before the court.

There are some situations when the sharing of confidential information without consent is appropriate:

- When there is evidence that a child is suffering or is at risk of suffering significant harm; or
- Where there is reasonable cause to believe that a child may be suffering or at risk of significant harm; or
- To prevent significant harm arising to children or serious harm to adults, including through the prevention, detection and prosecution of serious crime, i.e. any crime which causes or is likely to cause significant harm to a child or serious harm to an adult; or
- The sharing of information amongst those working with children and their families is essential as it is often the case that when information from a range of sources is collated that a child can be seen to be at risk of significant harm.

Where there are concerns that a child may be at risk of significant harm, it is essential that staff members and carers understand that they can legally share confidential information .

A record should be kept of any discussions relating to the sharing of records and information. The key factors in deciding whether or not to share confidential information are necessity and proportionality, i.e. whether sharing is likely to make an effective contribution to preventing the risk and whether the public interest in sharing information overrides the interest in maintaining confidentiality but, where there is a clear risk of significant harm to a child, the public interest test will almost certainly be satisfied.

### **Breaches of confidentiality**

Confidentiality is breached where the sharing of information has not been authorised by the person who provided it or, if it is about another person, by the person to whom it relates or where there is no justification for sharing the information.

To minimise 'accidental' breaches of confidentiality, information must only be shared with others within the Agency for genuine purposes and on a 'need to know' basis. Information should not, for example, be discussed with family members who do not live in the fostering household, unless there are exceptional circumstances which have been discussed with a Manager and a record of the discussion made.

No person working within AFA should knowingly misuse any information or allow others to do so. Breaches of confidentiality will be taken seriously and may result in action being taken, for example, a review of a carer's approval or staff disciplinary.

### **Connected Policies or Guidance**

<b>Name of Policy / Guidance</b>	<b>Relevant for</b>
Data Protection Policy	All staff and Foster Carers
Placement Manager Guidance	Placement Manager and Senior Management
Office Process Guidance	Office staff, Placement Managers and Senior Managers
Foster Carer Handbook	Foster Carers and Placement Managers
Foster Carer Recording Guidance	Foster Carers and Placement Managers
Staff Handbook	All staff

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