



## **Record Keeping and Confidentiality**

### **Principles for Staff**

It is essential that all staff keep clear and accurate records relating to the children AFA care for. It is also important that comprehensive records are kept on approved Foster Parents, applicants and those who make enquiries. Record keeping is the responsibility of all staff employed by AFA.

All staff should bear in mind that those records relating to children may be accessed by the child at a later date. They should always be clear and aim to provide an understanding of a child's life, experiences and decisions that were made, including reasons for such decisions.

### **Principles for Foster Parents**

Foster Parents must keep records on all aspects of their fostering, keeping in mind that records will be there for those they care for to view at a later date. Records should provide an understanding of the child's life and experiences with their family.

There are many other reasons why it is important to make records, for example:

- To accurately recall events and behaviour
- To recall both positive & negative events
- To assist Foster Parents and others in looking at the progress a child is making in their care
- To assist Foster Parents and others in decision making
- To provide 'back up' information when writing reports, which may include reports for Court and children's reviews
- To support requests for additional help for a child
- To help protect Foster Parents and their family from allegations/complaints

The rate of recording will vary depending on the length of time a child has been in the foster home, their level of need and taking into account ongoing concerns or risks. Separate guidance is available in this regard. The main files for all children and Foster Parents are maintained through CHARMS, which is an online recording system. All staff and Foster Parents 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 the device they are using to access CHARMS.

All current records are entirely electronic and AFA is working towards the deletion of historic paper files. Historical material includes information on approved Foster Parents as well as reports and information, signed Notices of Approval and Panel Minutes. No hard files have ever been kept for children or young people for whom all recording 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 file. Staff and Foster Parents 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 them.

### **Important Elements of Recording**

- Record positive and negatives
- Be accurate and factual
- Be confidential
- Avoid Jargon
- Be concise while providing all relevant information. More detailed recordings will be required in some instances, for instance if disclosures or complaints are made. Ensure advice or information given to Foster Parents or other professionals is recorded.
- 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 for daily recordings and 2 weeks out of date for weekly recordings. The frequency of recording is monitored regularly by Management.

### **Retaining and Sharing Records**

- Ensure the following of safety procedures relating to data protection as outlined in the Staff and Foster Parent Handbook, as well as in the Data Protection Policy. This is particularly important in terms of electronic filing and equipment.
- Respect the confidentiality of children, young people, Foster Parents and their family.
- Share information with Agencies and professionals working with the Foster Parents 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. Wherever possible these should be uploaded to CHARMS, and the originals shredded.
- Foster Parents and staff should 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 AFA staff with Foster Parents should be shared with them at the time or as soon after as possible. Foster Parents should verify records by digitally signing them on CHARMS as evidence they have read and agreed to the document. In addition, other reports and documents, including those relating to Annual Reviews, may be shared via CHARMS and a digital signature required. The final signatures on key reports will be obtained via online signature software.

Foster Parents have a right to access information recorded by Fostering Social Workers and Social Workers. If complaints/allegations are made against them, Foster Parents are entitled to submit a written response which will be kept on file, along with other relevant information. Foster Parents need to be careful about sharing too much information about the child(ren) living with them 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 behaviour. It may also be important to share some essential information with other adults who are providing support care for the child, however, only as much information as is strictly necessary should be shared in order to protect those involved. The family of a Foster Parent 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 Foster Parents' annual review.

## **Managing Information for Court Purposes**

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

AFA expects all Foster Parents to keep good written records and these may be requested by the Local Authority as evidence as part of Court processes. Any notes made before uploading information onto CHARMS system must be kept safe as they may be required when evidence is given in Court. Foster Parents and staff must ensure that all documents are dated.

AFA acknowledges the high expectations of Foster Parents in relation to recording, but Fostering Social Workers will support and work closely with Foster Parents to ensure that the guidance is followed at all times.

## **Handling Confidential Information**

Any information that identifies an individual and is not already in the public domain is to be treated as confidential, and therefore GDPR applies. Staff and Foster Parents 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.
- The information to be shared will go through three stages of redaction as per AFA policy.
- They conform with the law.
- They sign 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 Parents.

## **When is it Appropriate to Share Confidential Information?**

It is generally only appropriate to share confidential information if informed consent has been given by the person to whom it relates. However, in some situations, the Agency will be required by law to do so, for example, if a Court orders that certain information or case files are to be shared.

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.
- Where there is reasonable cause to believe that a child may be suffering or at risk of significant harm.
- 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.
- 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 Foster Parents understand that they can legally share confidential information. Guidance regarding this issue has been published by the ICO and can be found here: [A 10 step guide to sharing information to safeguard children | ICO](#)

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 to do so is likely to make an effective contribution to preventing the risk of harm. 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 doing so.

To minimise 'accidental' breaches of confidentiality, information must only be shared with others within the Agency for genuine purposes 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 case management decision recorded.

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 Foster Parent'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 Parents
Data Protection Schedule	All staff and Foster Parents
Information Security Policy	All staff
Fostering Social Worker Guidance	Fostering Social Workers and Management
Office Process Guidance	Office staff, Fostering Social Workers and Senior Managers
Foster Parent Handbook	Foster Parents and Fostering Social Workers
Foster Parent Recording Guidance	Foster Parents and Fostering Social Workers
Staff Handbook	All staff

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