

Fostering Service Records and Recording Policy

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About This Document

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1. Introduction and Legal Framework

- 1.1** The fostering service 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. The fostering service also have a responsibility to ensure that foster carers are aware of their role in recording information for the children that they look after.
- 1.2** 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.
- 1.3** Essex County Council also has a Children and Families – Case Recording Procedures document which is available to all staff working for the fostering service.

2. Data Protection Legislation

- 2.1** Where you read the phrase “Data protection legislation” throughout this document it relates to the Data Protection Act 2018 and the UK General Data Protection Regulations (GDPR).
- 2.2** Data protection is the fair and proper use of information about people. It is part of the fundamental right to privacy – but on a more practical level, it’s about building trust between people and organisations. 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.
- 2.3** Personal data means information about a particular living individual. As Essex County Council is a public authority this includes paper records. The recordings made by foster carers form part of a child’s file and will be uploaded to the Social Care Case Management system.
- 2.4** The latest UK data protection regime, which came into force in 2018, is set out in the Data Protection Act 2018 and the UK General Data Protection Regulations (GDPR) which also forms part of UK law.
- 2.5** Data Protection legislation regulates how personal information is used and protects individuals from misuse of personal details collected about them. It

provides a common-sense set of rules which prohibit the misuse of personal information collected without stopping it being used for legitimate or beneficial purposes.

2.6 The details of Data Protection legislation are quite complex, but at the heart of it are common-sense rules known as the Data Protection Principles. These require personal information kept to be:

- Fairly and lawfully processed in a transparent manner
- Collected for a specified, explicit and legitimate purpose
- Adequate, relevant and limited to what is necessary in relation to the purpose
- Accurate and kept up to date
- Not kept longer than necessary
- Processed in a manner that ensures appropriate security
- Accountability

2.7 The Accountability principle was introduced when the law changed in May 2018 and requires the local authority to take responsibility for what is done with personal data and how all the other principles are complied with. Essex County Council therefore must be able to demonstrate compliance, and this is done by:

- Ensuring a good level of understanding and awareness of data protection amongst staff and foster carers.
- Implementation of policies/procedures.
- Keeping records of what you do and why.

2.8 Data protection legislation provides stronger protection for sensitive information about individuals, such as health details.

2.9 If foster carers would like to see or contribute to their case record, they should discuss this with their supervising social worker who will explain the process and arrange for access to the foster carer records.

2.10 Foster children also have a right to see records held on them and contribute to these. If a child says that they wish to see or contribute to their records this should be brought to the attention of the child's social worker.

2.11 Those working for the fostering service also have rights under data protection legislation ([see the Privacy Notice](#)).

3. Purpose of this Policy

3.1 This policy and procedural guidance covers the requirements of the Essex Fostering Service for case recording and the management of information to ensure that fostering service and foster carer records are clearly presented

and well written. It is an essential feature of this policy that staff records are seen by the team manager and foster carer records are seen by the supervising social worker. This should be part of the supervision process and that all files and recordings are audited on a regular basis.

3.2 Essex County Council 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 our 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 user/clients 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 children looked after or action taken under the provisions of the Mental Health Act).
- 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 by Social Care 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/supervisors 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.

4. Scope of this Policy

4.1 Social Care Departments must ensure that foster carers, children looked after and their parents know the nature of the records maintained and how to access them.

4.2 Staff should also familiarise themselves with Information Commissioner's guidance: [Right to Access and Your Right of Access](#).

4.3 This recording policy is concerned with meeting the standards as they apply to the Essex Fostering Service. Foster carer recordings for individual children should be completed by foster carers on the electronic logs system and this is

shared with their Supervising Social Worker and included in the child or young person's social care record.

5. Confidentiality

- 5.1** When a child is placed with foster carers, the child's social worker will share all relevant information about the child's background. Much of the information will be personal and all of it is given to foster carers in confidence.
- 5.2** Children are looked after for a variety of sensitive reasons and they and their families have a right to be treated with respect for their feelings and privacy. The general principle is that foster carers should not discuss the child's circumstances with anybody who does not need to know. This includes friends, neighbours and members of their extended family. There will be other people - for example, teachers and other professionals - who may need limited information to help them provide the correct service. If the foster carer is unsure about sharing information, they should discuss this with the child or young person's social worker or with their supervising social worker.
- 5.3** A foster carer's friends and family are likely to know that they foster and may well also play an important part in the child's life. They may need some information to help them form a relationship with the child, but the foster carer would need to think very carefully about what information is in the best interests of the child and make a clear distinction between that and everyday conversation. It may be helpful for a foster carer to prepare friends and family in a general way about fostering and how it may impact on the household, this can include general information regarding safe care and some possible scenarios of why children and young people may be looked after and why some of their past experiences will impact upon their current behaviour. This may be helpful in preparing friends and family without having to give very personal information away regarding individual children and young people.
- 5.4** The foster carer's own children will also play an important part in the family's fostering and depending on their age and understanding may be given some information about the child or young person that is living with them. The foster carer should also ensure that their own children, if they are old enough, also understand the principle of confidentiality and understand what information they would also need to pass on if they were told it (see secrets below). This kind of information can often be given in a general sense and does not need to be specific to a particular child or young person. If any foster carer has any concerns about managing this, they should discuss it with their supervising social worker.

5.5 A child or young person who is looked after may also want to talk about their situation and placing restrictions on them may not be helpful. If it is appropriate the foster carer should talk with the child or young person at an appropriate time about what information the child or young person is telling people and the possible consequences of this. The foster carer should record this and tell the child or young person's social worker. The foster carer may not necessarily be aware of information the child or young person is sharing, particularly if it is at school or via social media but depending on the age and understanding of the child or young person it should be discussed with them for their own protection. Building good relationships with school staff will mean that they can inform carers if they discover inappropriate information is being shared.

6. Secrets

6.1 Foster carers must be made aware that they should not ever promise a child that they will keep a secret without knowing what that secret it is. Any information or disclosure from a child or young person which is potentially a safeguarding issue for any child, young person or vulnerable adult must be passed on to the social worker immediately. Foster carers must be clear with children and young people that there are some secrets that cannot be kept but also talk to the child or young person about what they are going to share and with whom.

7. Foster Carer's Recording

7.1 The frequency and detail of the recording may vary depending on the care plan and what is going on for individual children. For example, if a case is in the court arena and there are several contacts and assessments taking place then daily records may be required.

7.2 Another example may be when a child or young person is in a settled long-term placement and in this situation daily records are less likely to be required. However, when a child is placed long term, foster carers should still complete records including within them any key events and at a minimum there should be a monthly summary to include updates, achievements etc.

7.3 Foster carers should be made aware that their recordings could be used in court and it is important to ensure that records are recording facts or if opinions are used it is very clear that this is an opinion.

- 7.4 As well as foster carer records, foster carers are expected to complete other forms that are relevant to the child or young person, for example, review reports. Guidance can be given on completion of these from the supervising social worker.
- 7.5 Foster carers should use the child or young person's name when completing foster carer records.
- 7.6 Additional guidance can be given to foster carers and is attached to this policy (Appendix 1).

8. Training for Foster Carers

- 8.1 All primary foster carers should complete the Foster Carer Records Keeping, live virtual training. Online training is also available (Reporting and Recording (fostering) as well as a more advanced e-learning course). Supervising social workers, as part of the foster carer's induction should ensure that carers understand what is expected of them regarding the keeping of records and make use of supervision to give feedback on recordings that carers undertake.
- 8.2 Foster Carers also need to evidence that they understand the principles of keeping good records as part of the Training, Support and Development (TSD) induction standards.

9. Storage, security and retention of records

- 9.1 During a placement, foster carers should ensure that information is kept secure and cannot be accessed by anyone else. Ideally this should be in a lockable file or cabinet that is also fireproof and waterproof.
- 9.2 At the end of a placement, any reports or other records provided to the carer in respect of the child or young person should be returned to the supervising social worker to return to the child's social worker. The foster carer should receive a receipt to say which records have been returned and a copy of this should be kept on the foster care file.
- 9.3 Data protection legislation requires that no records of children are stored on a computer or on a disk by foster carers. A computer can be used to produce records on reports but these should **NOT** be saved. There are two good reasons for this requirement. Firstly, records saved on a computer can be

altered later and secondly, computers can be accessed by others in the family but can also be accessed by computer hackers.

This also applies to use of e-mail to communicate with other professionals including supervising social workers or the child's social worker. Never give a child's full name, address or detailed information regarding their whereabouts or circumstances in an e-mail. Where necessary correspond with Essex County Council via secure email but do not attach records to this as they should not have been saved on your computer. Foster carer logs should all be completed electronically which ensures that records are completed and sent in a secure way.

9.4 All hard copies of records about a child should be kept confidential. Records must be kept in a secure place in a locked storage container/cabinet.

10. Records about foster carers

10.1 The Fostering Service is required by law (The Fostering Service (England) Regulations 2011) to keep records of all approved foster carers, including family and friends (kinship) carers. Regulation 30 states:

- 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, and
 - c) any notification given under regulation 27.

10.2 Under section 31, **register of foster parents**:

- 1) 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).

10.3 Additional information held on a foster carer’s file include:

- A copy of the carer’s safer caring guidelines.
- A copy of the carer’s training record and personal development plan.
- Supervision records.
- Evidence of management oversight and audit.

10.4 Essex Fostering Services keep electronic records. Foster carers should also be given copies of any documents submitted to the fostering panel and would be provided with copies of reports which contribute to the annual household review.

11. Carers contribution to records

11.1 The fostering service 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 (household review).

- Creation and maintenance of the foster carer training profile.
- Family safer caring plan and how this has been adapted to meet the needs of each child or young who is placed.
- Supervision records.

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

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

11.4 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.

12. Fostering Service files including members of the Fostering Panel

12.1 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. Included in these files should be evidence of (NMS 2011 Standard 19.3):

- 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.

12.2 Essex County Council HR has a Safer Recruitment Policy which is used for all those who are employed by the Fostering Service.

13. When Foster Carers cease to foster

13.1 All information regarding the child/children must be returned to the supervising social worker. Foster carers can retain personal items such as photographs and copies of personal letters. Receipts should be obtained for any records that are returned to the fostering service.

14. Retention of Records

14.1 The fostering service has to legally retain records that compiled for approved foster carers and also those have who 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).

14.2 Regulation 22 of the Fostering Service (England) Regulations 2011 state:

- 1) The Fostering service provider must maintain and keep up to date records specified in schedule 2.
- 2) The records referred to in paragraph (1) must be retained for at least 15 years from the date of the last entry.

14.3 Regulation 32 of the Fostering Service (England) Regulations 2011 relates to retention and confidentiality of such records and states:

- 1) The records compiled in relation to a foster parent under regulation 30(1), and any entry relating to that foster parent in the register maintained under regulation 31, must be retained for at least 10 years from the date on which their approval is terminated.
- 2) The records compiled by a local authority under regulation 30(4) in relation to a person with whom a child is placed under regulation 24 of the Care Planning Regulations, and any entry relating to such a person in the register maintained under regulation 31, must be retained for at least 10 years from the date on which the placement is terminated.
- 3) The records compiled under regulation 30(5) must be retained for at least 3 years from the refusal or withdrawal, as the case may be, of the application to become a foster parent.
- 4) The requirements in paragraphs (1) to (3), and in regulation 22, may be complied with by retaining the original written records or copies of them, or by keeping all or part of the information contained in them in some other accessible form such as a computer record.

- 5) Subject to paragraph (6), any records or register maintained in accordance with regulation 22, 30 or 31 must be kept securely and may not be disclosed to any person except in accordance with—
 - a) any provision of, or made under or by virtue of, a statute under which access to such records is authorised,
 - b) any court order authorising access to such records.
- 6) A fostering service provider must make their records compiled under regulation 30 or 31 in relation to a foster parent available for inspection by another fostering service provider within one month of a request under regulation 26(2)(d).

14.4 Essex Fostering Service ensures that:

- All records of foster carers and temporarily approved foster carers are retained for a minimum of 10 years from the date of which their approval is terminated.
- Records of those who are not approved as foster carers and have withdrawn their application are kept for at least 3 years from when the approval was refused or the prospective carer withdrew.
- All records are kept securely.

15. Appendix 1 - Guidance for Foster Carers regarding Record Keeping

General Recording

Case recording is an integral part of the social care service that agencies provide to children and families. This applies equally to fostering services and their carers.

12 tips for effective recording

- 1) Before you start, be clear about why you are recording.
- 2) Record as soon as possible after an event or observation.
- 3) Use plain language and avoid jargon.
- 4) Wherever possible stick to the facts.
- 5) When you give an opinion separate it from the facts and explain why you have come to that opinion.
- 6) Record in a way that you would be happy for the child or family to read what you have written.
- 7) All factual information should be checked for accuracy e.g. spelling of names
- 8) If different from the date of the incident, the date the record is made should be stated
- 9) Corrections made to records previously made should be dated and signed"

When recording details care should be taken regarding language that could be offensive or abusive. It is also important not to use recording as a means of "letting off steam" about a situation or person. It may be necessary to record disagreements but is not acceptable to use records to verbally punish or retaliate against others.

What should be included in foster carers records

All foster carers are expected to complete foster carer records. This is part of the Foster Care Agreement, and it is also a legal requirement. Any non-electronic records are the property of social care and must be returned to them at the end of the placement. The following areas should be included in foster carer records:

- Improvements and achievements of the child
- Any changes that are noticed in the child or young person's presentation or mood should be recorded and reported as soon as possible so that appropriate support can be provided to the carer and the child/young person.

- Dates or times a child or young person is away from the foster home e.g. missing, contact, overnight stay with friends
- Specific incidents, events or changes in the circumstances of the foster family and/or the child's family
- Disagreements or complaints concerning any family members and how it was dealt with.
- Accidents or injuries, including minor ones
- Dates of meetings, attendance and decisions
- Medical appointments and treatment e.g. dentist, optician, doctor
- Any illnesses the child or young person may have
- Any hospital admissions
- Contact with the school, social worker and the child's family
- Contact visits, child's responses or moods before and after
- Requests for help or assistance
- Times when alternative carers have been looking after the child e.g. babysitters, if any significant events happen during this time they should be recorded and it should be clear on the records who has been the author of the records
- Details of any damage or theft by the foster child
- Any involvement with the police and the reasons and outcomes of this

Equality and diversity issues should be reflected in any recording. This can include references to pieces of work where specific consideration has been given to a service user's needs because of their gender, ethnicity, linguistic ability, sexual orientation, disability, mental health status, caring responsibilities etc. Foster carers can be explicit about these issues and how these have been taken into consideration in practice.

If foster carers have any concerns regarding whether something should be recorded they should talk to their supervising social worker or the social worker of the child or young person.

Bullying

Foster carers should record all suspected and actual incidents of bullying against or by any child or young person looked after. This should be reported to the child's social worker and

the supervising social worker as soon as possible and an electronic incident form should be completed.

Children and young people going missing

Foster carers may also need to complete records when children or young people go missing. Foster carers should familiarise themselves with the process and expectations of them regarding what should happen if a child/young person is at risk of going missing and what to do should they go missing. Further information is available in the fostering guidance; children missing from a foster carer's/supported lodgings provider's home without permission.

Accidents

All accidents experienced by foster children must be fully recorded as soon after the accident as possible.

The child's social worker and your supervising social worker must be informed of the accident verbally as soon as possible and for serious accidents out of hours the Emergency Duty Team should be informed.

Health records

The foster carer should be given information regarding the child or young person's health which is included as part of the Lifeplan for the child or young person.

Foster carers are also expected to keep records of any medication that is given to the child or young person including homely remedies. More information about this is found in the Medication Workbook which should be undertaken by all foster carers.

The supervising social worker and the child or young person's social worker should also be informed immediately if there is a serious illness or hospital admission. If this is out of hours the emergency duty team would need to be informed.

Foster carers contribution to other areas where information is gathered for the child or young person

Strengths and Difficulties Questionnaire (SDQ)

This is an annual questionnaire for children who have been in care for over 12 months as of 31st March. It is a questionnaire that screens behavior and is designed to measure five core psychological attributes or features, namely, (a) emotional symptoms, (b) conduct problems, (c) hyperactivity/inattention, (d) peer relationship problems, and (e) pro-social behaviour. The SDQ is designed to flag up a limited range of emotional difficulties, which in

turn can form the basis for therapeutic or other interventions or approaches where appropriate.

As part of this process the foster carer will be given a questionnaire from the child's social worker. This needs to be completed and returned. The information is then collated with information from the social worker and a score will be recorded. Scores will then be sent to the mental health coordinators in each quadrant to help identify appropriate resources.

Collecting mementos and recording life events

Collecting mementos can provide an important part of a child's memories. This can be any item no matter how trivial it seems to you, as it may be both important and have meaning for the child. They may bring mementos with them, or they may choose to bring nothing, hoping to wipe out bitter memories. On the other hand, they may have nothing to bring. It is an idea to keep a child's mementos in a special place decided, and perhaps decorated, with the child.

Significant items and events such as a new-born baby's hospital identity tag or the first time a baby walks should be kept and passed on to the child or social worker at the end of the placement. You should consider the use of video or photographic records for events such as birthdays or holidays but be sensitive to the wishes and feelings of the child and their family. However, please ensure you read the social media guidance as no photos of looked after children should be placed on social media without permission of the social worker. Care must be taken to ensure that no child is photographed or recorded in the bath or a state of undress. Foster carers should also be sensitive to the taking of photographs as some children and young people may misinterpret this due to their past experiences.