

SLOUGH CHILDRENS SERVICES TRUST INDEPENDENT FOSTERING AGENCY - PROCEDURE ON MAINTAINING, STORING & ACCESSING RECORDS

Statutory Framework

The Fostering Services (England) regulations 2011 require that fostering service providers maintain and keep up to date a range of records and regulation 32 specifies how long these records should be kept and that there must be secure facilities for the storage of records.

The Children Act 1989 Regulation and Guidance Volume 4: Fostering Services summarises the requirements around retention and storage of records in paragraphs 5.76 – 5.78.

National Minimum Standard 26 also states that fostering services must have written policy and procedural guidance on the keeping and retention of case files, ensuring that staff, volunteers, panel members and fostering households follow the policy and procedure and that children and their parents know the nature of the records maintained and how to access them. There must be a procedure on storing and managing confidential information.

The Data Protection Act 1998 (DPA), defines a legal basis for the handling of information held about individuals in the United Kingdom. It is the main piece of legislation that governs the protection of personal data in the UK, and also addresses the rights of individuals to gain access to records, including files, held about them. The Data Protection Act applies to all information held about a particular individual irrespective of when it was recorded. Fostering services are required to keep personal information confidential, and when they wish to disclose this information to another person, they will need to consider carefully whether this is lawful. The Data Protection Act applies to all manual and electronic personal records held by the fostering service in the exercise of its function.

Annex I. Foster carer records states;

Records must be kept for at least 10 years from the date that the foster carer's approval has been terminated.

National Minimum Standard 26.1 states that the fostering service should implement a written policy on the 'purpose, format and content of information' on foster carers' files.

The requirements with regard to case records relating to foster carers are set out in Regulation 30 of The Fostering Services (England) Regulations 2011.

The Regulatory Requirements

- The assessment of the applicant's suitability to be a foster carer, which has been submitted to the fostering panel, including the fostering provider's proposal about terms of approval.
- References and checks with the local authority where the foster carer is living.
- Any information obtained by the fostering provider in relation to the assessment of the foster carer.
- Any reports submitted to the fostering panel.
- Any recommendations made by the fostering panel.
- Foster carer agreement.
- Notice of approval.
- All reviews of the approval of foster carers
- A record of each placement with the foster carer, details of each child placed including name, age and gender, the dates on which each placement began and ended and the reasons why the placement ended.
- Any information relating to the approval of the foster carer including any review or termination of the approval.
- Records of supervisory meetings
- A clear and comprehensive summary of any allegations made against a member of the fostering household including details of how the allegation was followed up and resolved, a record of any action taken and the decisions reached

Policy and Procedure

All records compiled in relation to a foster parent under regulation 30(1), and any entry relating to that carer in the register maintained under regulation 31, will be retained for at least 10 years from date at which their approval was terminated.

The agency will keep records relating to potential applicants who are not approved by the agency or who withdraw their application prior to approval. These records will include;

- The information obtained in connection with the assessment.
- Any relevant report submitted to the fostering panel and any recommendation made by the fostering panel.
- Any notification given under regulation 27.

These records will be kept for 3 years from the point of refusal or withdrawal of the applicant to become a foster carer.

All records relating to children placed will be returned to the placing social worker at the point a placement ends.

All paper records will be securely kept in a locked cabinet. Electronic records will be password controlled and accessed only by the user or other authorised access by Slough Children's Services Trust

Records will be confidential. Information recorded by the agency can be accessed by the person they relate to. Any request should be made in writing.

Information relating to a foster carer will only be shared with a third party if they have the carer's written permission to view their information.

Third party information cannot be shared without the author's permission.

A Court may make an Order to access records. The agency would have to comply with such an Order.