Record keeping and Confidentiality

Description

Record keeping, Communication and Confidentiality

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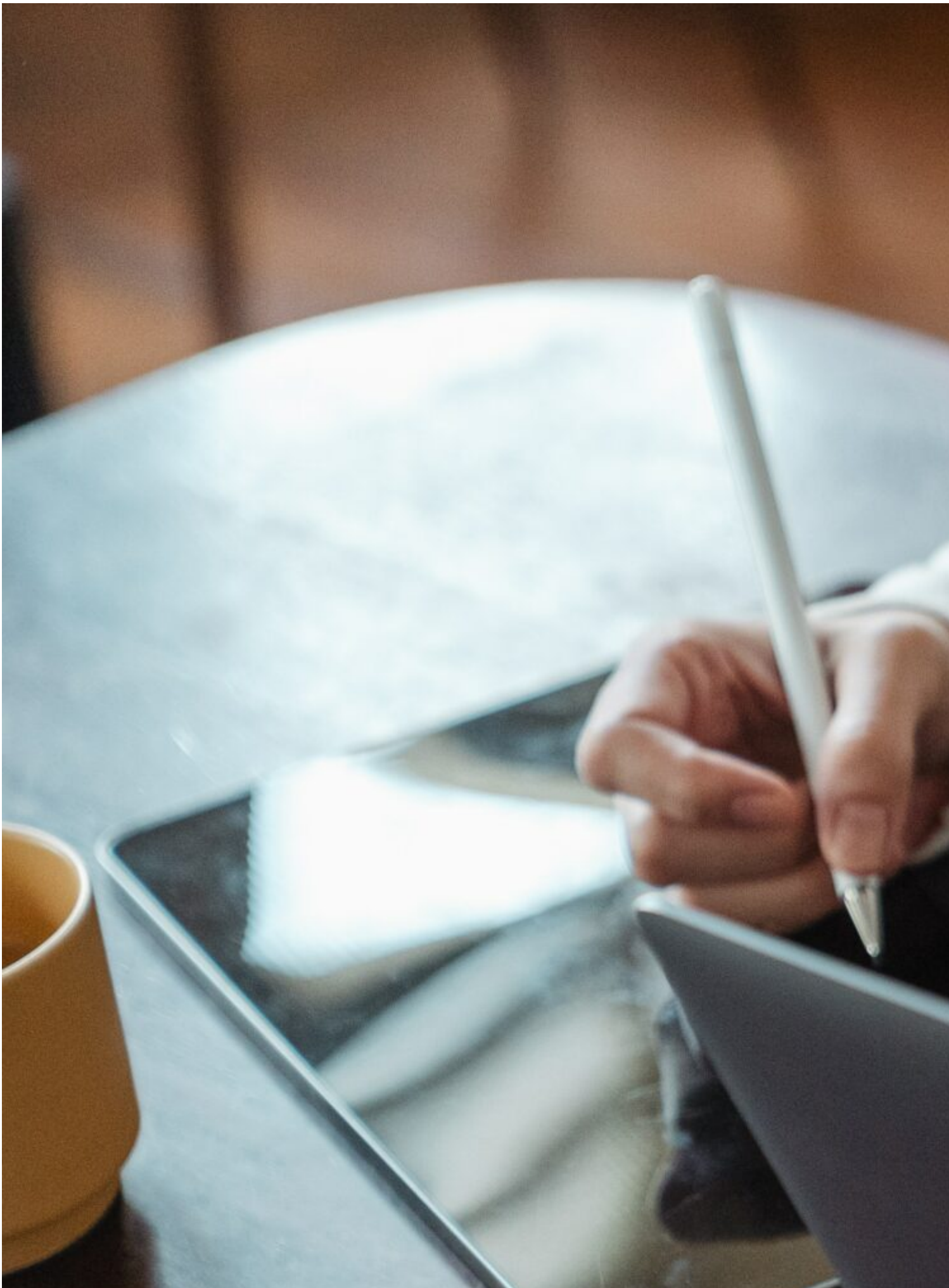
Keeping Records

Sparks Fostering has electronic folders containing relevant information for each member of staff (and applicant), foster carers (and applicants), and residents placed with carers (or referred to carers, or previously placed with carers).

Sparks Fostering email accounts are considered to be an extension of Sparks Fostering software and electronic file storage. Email accounts are secure and access to each account is by the account holder and (when necessary for review) by line managers.

All information is stored securely on software used by Sparks Fostering.

Account holders should only hold information about the subjects they are actively working with, and should remove other copies in line with “Holding and accessing information” below.



Types of recordings

Foster carers and staff are expected to update records when there are any changes or progress made, which includes activities, behaviour and progress for the child, any relevant phone calls, emails and discussions and any other updates about the child, foster carer, or staff.

The types of written recordings include:

- Records: These provide a summary of the resident, fostering family or staff members. Anyone who has access to the file should be able to get a thorough overview by reading the records. Training records track which mandatory and non-mandatory training has been completed.
- Journals: A journal is recorded with (or on behalf of) the resident and will be useful for the resident to reflect on when they move on from the fostering home.
- ‘Actions’: Communications such as emails, phone calls, and incidents should be recorded as ‘Actions’. Significant events (such as safeguarding issues, milestones and medical problems) should be marked as such, so that a ‘chronology’ of significant events can be created when it is required.

Recording on the subject’s own record

Any information discussed about a person, including in supervision, must be recorded directly on that person’s own record, in whichever format it arises (Trello, email, WhatsApp, text or any other written communication). Information about a subject does not stop being a record because of where it is written down.

This applies both to supervision between social workers and their line managers, and to supervision between foster carers and their supervising social workers. The information goes on the record of whoever the discussion is about — a child’s record if it concerns a child, a foster carer’s record if it concerns a carer, a staff supervision record if it concerns a worker’s practice — not in the supervision notes of the people holding the conversation. This keeps each person’s record complete and current, and means that when we receive a subject access request we can respond promptly and accurately from the right record.

There are three exceptions. Information is not placed on the subject’s record where doing so would: (1) cause significant harm to them or to someone else; (2) disclose information given to us in confidence which we do not have consent to share (for example, a reference); or (3) relate to an ongoing investigation into practice.

Where an exception applies, the reason for the exclusion must be recorded using one of these three justifications, together with a short explanation. The withholding is temporary: the information is still recorded separately, on a restricted basis, so that it is not lost, and is added to the subject’s record once the justification no longer applies — for example once the risk has passed or the investigation has concluded. References given in confidence are never shared. (Where an exception applies to a child, the restricted recording is made as set out under “Recording Practice for Child-Accessible

Records".)

If you are unsure whether something falls within one of these exceptions, record or retain it on a restricted basis and check with the Registered Manager first.

Photographs and video recordings

Video or audio recordings (including recordings with mobile phones, or virtual/online calls) can only be carried out after consultation with line managers, the resident, the resident's social worker and with the consent of anyone involved. If consent is withdrawn at any time, the recordings must be deleted (written records may need to be produced before deleting the recordings). It should be noted that some people may refuse recordings or pictures of themselves or their children because of their religious beliefs.

Recordings of children who are fostered should never be shared on social media, namely because there would be a risk to the child of being identified by their family. Children may choose to put their own pictures on social media – when this happens, the children's social worker should be notified and the foster carer should speak with the child about the risks of internet use (see Sparks policy 'Online and mobile phone safety').

Any images, videos or other confidential information taken of the children should be stored in a password protected (or locked) location, unless consent is provided for otherwise.

CCTV and recording in the home

If CCTV or home recording is used, all residents and visitors to the home should be made aware. Recordings should not be stored permanently and if a recording is downloaded (e.g. for security purposes), it must be deleted after it has served its purpose.

Cameras in the home cannot be used in bedrooms or bathrooms and should be turned off when appropriate adults are home. When home cameras or CCTV are used, information about their use should be recorded in the family safer care policy.

CCTV or and other records should be compliant with the guidance provided by the Information Commissioner's Office – click here for further information.

Quality of records

It is crucial to the success of Sparks Fostering (and for the benefit of the children in our care) that records are updated regularly and maintained to a high standard.

Entries in records, decisions and reasons for them, should always be legible, clearly expressed, non-stigmatising, distinguish between fact, opinion and third party information and are signed and dated.

Resident's records should be written in a way that can be understood by the resident, or the record are to be explained to the resident.

Everyone should be encouraged to review their own records and contribute to it if they wish to.

Management oversight and any other decision making processes should also be made clear on records.

Recording Practice for Child-Accessible Records

All journals and recordings held on a child's board must be written on the basis that the child may read them at any time, now or in the future. Recordings must therefore be respectful, accurate, and professionally written, with careful consideration of the child's emotional wellbeing.

Scope

This guidance applies to:

- Daily journals
- Incident recordings
- Any written communication or notes stored on the child's board

Children's records are currently held within their foster carer's board. Any content placed on the child's list must be treated as **potentially accessible to the child**.

Confidential Recording

Where information is **not appropriate for the child to access**, it must **not be recorded on the child's list**.

Instead:

- A **separate Trello card must be created on the foster carer's board**
- This must be placed under the **"Foster Carer Records" list (not the child's list)**
- The card must be clearly labelled **"Confidential"**
- Content must comply with confidentiality and data protection requirements

Under no circumstances should sensitive, potentially distressing, or professionally sensitive information be recorded on the child's list.

Language and Tone

- Language must always be **respectful, neutral, and non-judgemental**
- **Labelling is prohibited** when referring to the child or any other individual

The following types of language must **not** be used:

- "Rude", "manipulative", "aggressive", "attention-seeking", "defiant"
- Assumptions about intent (e.g. "did this on purpose", "trying to…")

- Emotive or blaming statements (e.g. “made us feel…”, “caused…”)

Instead, carers must describe **observable behaviour**, for example:

- “Spoke in a raised tone”
- “Did not respond when asked a question”
- “Left the room during the conversation”

Where there are safeguarding concerns, language must remain **factual and precise**, avoiding exaggeration or interpretation.

Accuracy and Objectivity

- Recordings must be **fact-based and descriptive**, not subjective
- Where possible, include **verbatim language** (exact words spoken), particularly in:
    - Disagreements
    - Safeguarding concerns
    - Situations involving risk or escalation

For example:

- Write: *He said, “I don’t want to do this.”*
- Not: *He was being difficult and refusing*

Recording Complex or Sensitive Situations

Where situations are heightened, involve conflict, or may be perceived as critical of the child or others:

- Recordings must:
    - Clearly distinguish between **what was said**, **what was done**, and **what was observed**
    - Avoid interpretation of thoughts, motives, or feelings unless directly expressed by the child
    - Reflect any **support offered** and **responses given**
- Within the narrative, carers should ensure the following are covered:
    - Sequence of events
    - Verbatim language where possible
    - Support offered
    - Outcome

Professional Neutrality and Representation of Others

Recordings must maintain professional neutrality when referring to:

- Members of the team around the child (e.g. social workers, therapists, teachers, foster carers)
- The child’s family members or significant relationships

Records must never place the child in a position where they feel required to take sides between adults.

Team Around the Child

- Journals must **not include perceived criticism, opinion, or commentary** about professionals
- Disagreements or concerns must **not be recorded in a way that could undermine trust or relationships**

Instead:

- Record **factual information only**
- Where relevant, record **what was said or agreed**, using neutral language

For example:

- Write: *The social worker advised that contact arrangements would remain unchanged*
- Not: *The social worker was unhelpful and didn't listen*

Any professional disagreements or concerns must be recorded separately via appropriate channels (e.g. supervision, management discussion, or confidential recording), not within the child's record.

Family Members

- Language about family must be **respectful, neutral, and non-judgemental**
- Criticism, blame, or negative characterisation of family members must be avoided

Where concerns are relevant:

- Record **observable facts or reported information only**
- Use **verbatim statements where appropriate**
- Avoid interpretation, assumptions, or emotive language

For example:

- Write: *Child stated, "I felt upset after the call with my mum"*
- Not: *Mum upset him and handled the call badly*

Emotional Impact and Professional Boundaries

- Records must not place emotional responsibility on the child for adult feelings
- Statements that attribute distress or impact to the child must be avoided
- The focus must remain on **understanding behaviour and supporting the child**, not assigning blame

Reflective Practice

Carers are expected to:

- Review entries before submission

- Ask: *“Would this feel fair and respectful if the child read it?”*
- Amend any wording that could be experienced as shaming, blaming, or misrepresentative

Storage of information

Sparks Fostering is a paper-free organisation: This means that all information is either inputted directly onto the software used by the agency, or is scanned and uploaded.

Any edits to documents should also be stored securely on the staff or foster carer devices, so that the information can be recovered in the unlikely event that information is changed or removed from the software.

Devices containing information (and any hard copies) must be stored safely. Devices must be password protected and passwords should not be shared with others. If items are transported, they must never be left unattended. If items are left in a vehicle, they must be left in locked boots and not visible to others.

If foster carers or staff wish to keep hard copies of information, such as print-outs or notes taken at meetings, they must have lockable storage within the home where the information can be stored. Confidential information should not be left unattended when it is not in lockable storage.

Any electronic information which is printed out must be disposed of securely as soon as the document has served it’s purpose; for example, panel members who wish to print fostering assessments must destroy hard copies of the assessments (and any other shared paperwork) immediately after panel.

The Safeguarding Lead must be notified immediately if any information is misplaced or stolen.

Holding and accessing information

You should only hold, and have access to, information about the subjects you are actively working with. Information about anyone else should not sit in your inbox, on your phone, or on any personal device. In particular:

- Referrals for children who were considered for matching but were not matched must be deleted from email accounts.
- When a child moves on, their Trello records will be moved off active boards to a separate board which can only be accessed by managers.
- For any child or member of staff who has moved on, all emails and records held on personal devices must be deleted, including any backup copies kept under “Storage of information”.

Before deleting anything, make sure the information is first captured on the relevant central record. Sparks Fostering retains records centrally as directed by the Fostering Regulations (see “Retention”); the deletions above are about removing scattered, duplicated and personal copies, not the records we are required to keep.

If you are unsure whether something should be deleted, retain it on a restricted basis and check with the Registered Manager first.

Use of WhatsApp and messaging apps

No personal or sensitive information about a subject is to be shared or discussed on WhatsApp or any similar messaging app — this includes discussions directly with the subject. This includes, but is not limited to:

- a child's, carer's or staff member's name or other identifying details;
- a child's placement, whereabouts or contact arrangements;
- safeguarding concerns, risks, incidents or allegations;
- health, medical, mental health or disability information;
- ethnicity, religion, immigration status or other special category data;
- case discussions, professional opinions or decisions about any subject;
- photographs, screenshots or documents containing any of the above.

If a discussion about a subject is needed, it must take place on Trello, on the relevant record. WhatsApp is to be used only to notify relevant colleagues that a Trello update needs to be reviewed urgently. The notification itself must contain no case detail and should avoid naming the subject.

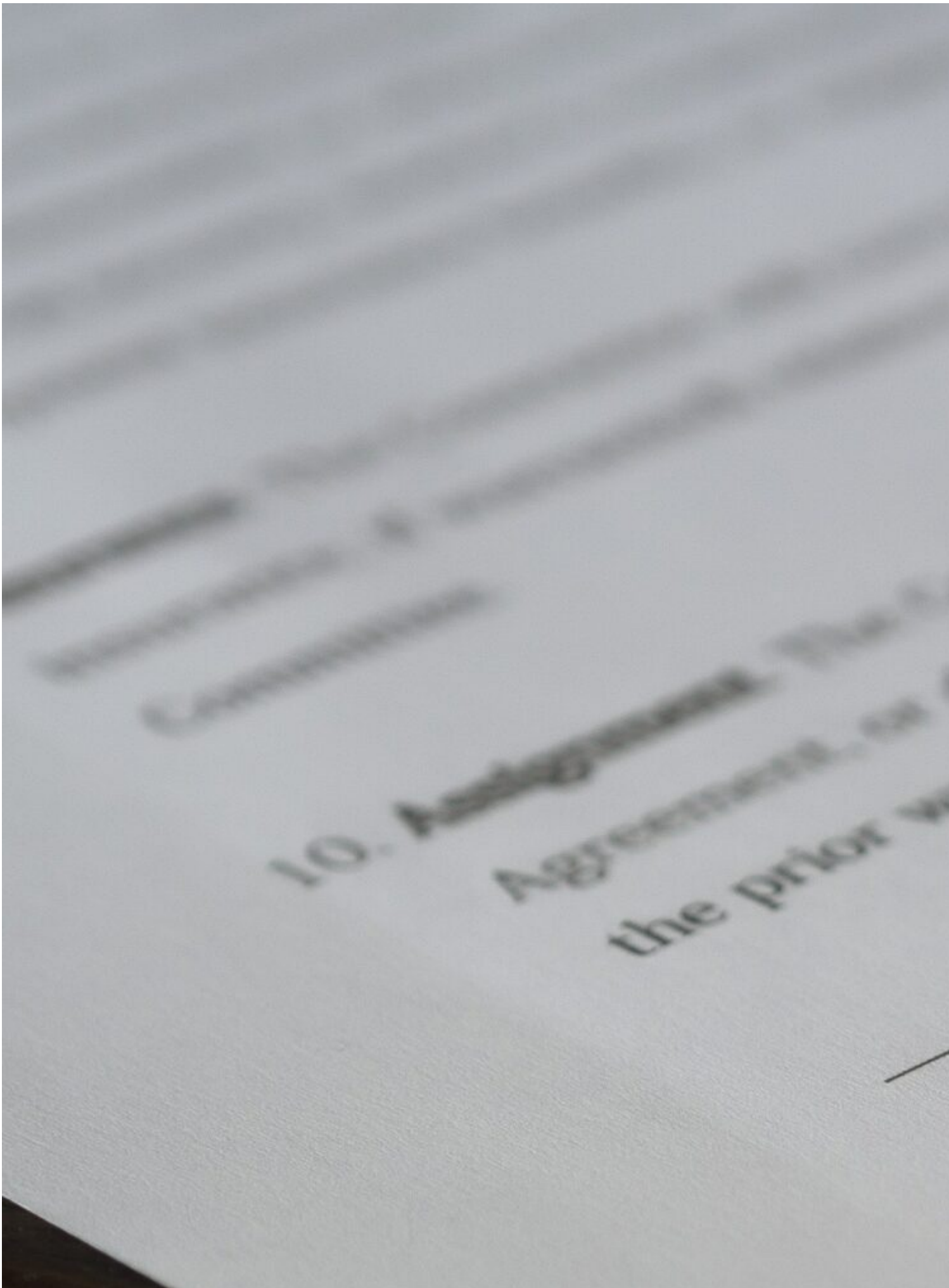
Retention

Records about the children we care for are kept for at least 15 years from the last entry on the child's records.

The record of people working for the agency required by Schedule 2 to the Fostering Services (England) Regulations 2011 is kept for fifteen years from the last entry. Other engagement, supervision and training records are kept for six years from the end of the employment or engagement.

Records for approved foster carers are kept for ten years from the date approval is terminated. Records about applicants who were not approved are kept for three years from the refusal or withdrawal.

It is a legal requirement for the foster carer and child records to be kept for these times. If a request is received to delete records after this time, they would be deleted if it is determined that deleting the records would not compromise the safety or welfare of others.



contact With press and media

Foster carers and staff aren't permitted to have any contact with media or press without the consent and involvement of the Registered Manager.

When press work is agreed, it would be with the support and oversight of the registered manager.

Confidential information

Information is shared on a 'need to know' basis. This means that Sparks Fostering shares all information we have about the children we care for with the foster carers (except during investigation into an allegation against foster carers). The foster carers must use their discretion to decide how much information to share with others: An example is that if the child wants school friends to think that the foster carer is a family member, the foster carer should respect the child's approach. However, other residents in the home and backup carers need to know the child's needs and how to meet those needs, so the foster carer has to determine how much information has to be shared for the child's needs to be met. When foster carers are unsure about how much information they can share, they should discuss this with their supervising social worker.

Some information is stored on 'confidential' files, such as references and ongoing complaints/allegations.

Report any suspected or actual personal data breach to the Data Protection Lead without undue delay — info@sparksfostering.org or 0161 262 0999.

Breaches of confidential information are a serious breach of trust and may lead to disciplinary action.

Anyone may complain to the agency if they believe it has mishandled their personal data, under section 164A of the Data Protection Act 2018. Contact the Data Protection Lead at info@sparksfostering.org or on 0161 262 0999. Receipt is confirmed within 30 days and the outcome is given in writing. If you remain dissatisfied you may complain to the Information Commissioner's Office under section 165 — ico.org.uk.

DBS information

Enhanced DBS checks are completed for all foster carers, staff (including panel members) and residents of the fostering home (and backup carer's home) who are over 18 years old. DBS certificate information is deleted within six months of the decision it was obtained for. The date, certificate number and outcome are kept with the record

Sparks Fostering asks all DBS holders to register on the update service (which has to be done within 28 days of the DBS certificate being issued – for further information). Sparks Fostering stores the DBS certificate number so that checks can be repeated at least every 3 years.

If the DBS (or other checks) are not clear, a risk assessment is completed to determine if the information impacts on the subject's ability to safeguard children and work effectively with Sparks

Fostering. The risk assessment is stored on the subject's file. The only people who have access to the file are those who need to know details of the risk assessment.

Sharing to safeguard children

Records are shared with professionals when it is believed that it is necessary to safeguard others. For example, the 'Local Authority Designated Officer' may be informed about allegations against staff or foster carers. The 'team around the child' (including health, education, independent reviewing officers) are provided a copy of the child's record if it is required. The social worker and managers will make a decision about how much information needs to be shared in order to safeguard whoever is at risk and who the information has to be shared with.

Children cannot be assured absolute confidentiality or secrecy for any of the information that they share with others, because if the child shares information which impacts on their safety or well-being, the information has to be shared with the other members of the team around the child, who can work together to keep the child safe and provide best levels of care.

Sharing the children's records with children

Information about the child is recorded clearly and in a way which will be helpful to the child when they access their files now or in the future.

Children are actively encouraged to read their files, other than necessarily confidential or third party information. Children should be encouraged to correct errors and add personal statements.

Foster carers must understand the important supporting role they play in encouraging the child to reflect on and understand their history. The child, subject to age and understanding, is encouraged to keep appropriate memorabilia (including photographs) of their time in the fostering home. Foster carers must record, and help children make a record of significant life events (subject to age and understanding).

If a child wishes to access their records, they are given access within one month of their request to the Sparks Fostering Registered Manager.



Sharing foster carer or social worker records

Foster carers and staff members (including panel members) have a right to access their own information.

Social workers should be mindful that foster carer records should be readily understandable by the foster carers. The language style should be easy for most people to understand.

If a foster carer or staff member wishes to access their records, they will be given access within one month of their request to the Registered Manager.

Sharing information with the child's family

A child's family may need to stay in touch with the child, but contact and information-sharing must always be managed safely and with the right consents in place.

Staff and foster carers must never share a carer's personal contact details (such as a phone number, address or email) with a member of the child's family without the carer's express consent. Where telephone or video contact is agreed as part of the child's plan, it can be arranged in ways that protect the carer's privacy — for example, calls made from a withheld number, or video calls made through an online platform or app that does not reveal the carer's personal details or location.

No information about the child, the carer or the placement should be shared with a family member without the consent of the child's social worker. The social worker leads the team around the child and decides what information can appropriately be shared, with whom, and when.

If difficulties arise with a particular family member (for example, inappropriate, distressing or unsafe communication), the carer should first try to resolve the issue, usually with the support of their supervising social worker and the child's social worker. Where the issue cannot be resolved, the carer can discuss blocking or restricting contact from that individual. Any such step must be agreed with the child's social worker and recorded, taking account of the child's wishes and feelings and the impact on the child.

Particular care is needed where a child is accommodated under Section 20 of the Children Act 1989 (voluntary accommodation). In these cases the parents retain full parental responsibility and there is no court order in place, so contact between the child and their family cannot be legally prevented. Any concerns about contact must be raised promptly with the child's social worker, who will decide on the appropriate course of action.

Sharing foster carer records with panel members

All panel communications and decisions must be made using the templates provided, which are uploaded to the relevant records.

Foster carer records do not hold information which could be used to identify the children cared for. Children are referred to by first name only within the foster carer records.

Any email communications relating to panel must be about the panel process, not about the specifics of the cases being brought to panel.

Sharing with the children's social worker

The children's social worker leads the work of the team around the child, so it is crucial that the children's social worker is informed of any updates about the child. Records about the children are shared readily with the children's social worker.

Children's social workers should be informed immediately about any significant developments about the children we care for.

If the local authority children's social worker makes a written request for information about the children, the child's information is shared within 5 working days.

Sharing information with other fostering providers

If a fostering applicant or approved carer wishes to move to another agency, Sparks Fostering will make the foster carer's records available to the prospective agency within 28 days of the request. The supervising social worker will also make themselves available for a handover discussion so that there may be a smooth transition.

Use of AI to process personal data

Where artificial intelligence (AI) tools are used to help process personal data — including any of the information referred to in this policy — this must only be done through the AI subscription provided and controlled by Sparks Fostering. Personal or special category information about a subject must never be entered into a personal, free or unapproved AI account.

When AI is used, only the minimum information necessary for the task should be entered.

Chats and discussions within the approved AI service are deleted once the task is completed, and lengthy chats are not retained for a long period. Following deletion, the AI provider retains the information for up to 30 days in order to comply with its own safeguarding and retention processes, after which it is removed. The AI provider acts as a data processor for Sparks Fostering under a written agreement, does not use our information to train its models, and Sparks Fostering remains the data controller throughout.

AI does not make decisions. Every decision about a child, a foster carer or a worker is made by a qualified person who checks the AI's work against the original records.

The Registered Manager, as Data Protection Lead, is responsible for approving which AI tools may be used, holding the agreement with the provider, and ensuring this processing is recorded in Sparks

Fostering's record of processing activities.

GDPR and Oversight

The responsibility for ensuring that the information stored by Sparks Fostering is secure and appropriate, lies with the Registered Manager. Breaches are handled by the Registered Manager, who audits all Sparks Fostering records regularly.

The Registered Manager is registered with the Information Commissioner's Officer as the Data Protection Lead for Sparks Fostering (which is a Data Controller). A notifiable breach will be reported to the Information Commissioner's Office within 72 hours after becoming aware of it – click here to read more about actions to be taken if there is a data breach

These instructions come from the agency's Information Governance Policy, which prevails where the wording differs.

Additional resources (optional reading)

Sparks Fostering Communications Guidance (this isn't mandatory, but is highly recommended reading)

Troubled man, 19, died after failure to pass relevant information to his foster carer

Do you know the difference between a 'disclosure' and an 'allegation'? By 'My Social Work News'

'I wanted to go back and stand up for the little girl that I was': Care experienced practitioner Rebekah Pierre discusses her "disbelief and anger" on reading her case notes, and the open letter to her social worker addressing the language blaming that she found. (Article in 'Community Care')

Language in fostering (a guide by the National Association of Fostering Providers)

Why language matters blogs by the NSPCC:

– Avoid the term 'victim' when talking about children who have experienced abuse

– How the label 'older boyfriend' can mask child sexual exploitation.

– In need of attention, not 'attention seeking'

– Why we shouldn't be talking about the 'risky behaviour' of young people experiencing abuse.

– Why you should avoid the acronym 'LAC' when talking about children in care.

– Why you should avoid labelling allegations as 'malicious'

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