



**TIME OUT**  
fostering

*valuing individual needs*

**SECTION 18**

## **Time Out Fostering**

**CASE RECORDS AND RECORDING ACCESS  
AND RETENTION POLICY**

**August 2007**

## **Background**

The Data Protection Act 1998 allows people who have personal information stored about them by an organisation to apply for access to them. This applies to foster carers, staff, children and young people and their parents. This application must be in writing and the organisation should allow access within 40 working days.

Access to a persons file by a third party can only be allowed by the person who the information is about.

When the person whose file it is applies for access they may not get access to parts written by people outside the agency unless they give permission. Where consent has been given a note should be made on the file.

Access to records is a positive way of enhancing trust and equality in social work.

## **Policy**

Time Out Fostering Carers, children and young people should be made aware of what records are kept on them. Supervising social workers should also inform both foster carers and children or young people about how to access their files. This information should also be in the childrens guide and foster carers handbook respectively.

Information from professionals will be treated as confidential if it is designated as such.

Time Out Fostering will aim to ensure that records are written in a way that allows foster carers and children or young people to share them.

Information form other sources such as; friend's etc will be treated as confidential unless permission is given for access.

All confidential information will be filed in a 'confidential' section of the file. Time out Fostering information will not be held in this section unless it is sourced from outside the agency.

There may be exceptions when sharing certain information with a child or young person could be damaging; this will be reviewed at other points of the child's placement.

A person wishing to see information, which has been withheld, may apply to court for an order to disclose.

Any verbal information received by Time out Fostering staff should be checked for confidentiality and then recorded as 'information by or on a third party'.

Requests for access must be given in writing to the supervising social worker who will remove the confidential section from the file and check that the file is up to date before allowing access. The file should be double-checked by a director before access is allowed.

Access must be allowed within 28 days of the request being received.

When a request has been made to a third party for access to their information this may take longer than 28 days. In these cases access can be offered without the confidential section or they can wait. Either way the person must be kept up to date about the delay by the supervising social worker.

As the file belongs to Time Out Fostering it must stay on the premises while access is granted.

The supervising social worker should be on the premises and available to discuss any matters arising from the file.

The supervising social worker should listen to any complaints about the file and be willing to alter or record any disputed information.

Foster carers, children and young people and their birth parents are all able to ask for access to the file pertinent to them.

Foster carers, children and young people can make additions and comments to their files where appropriate.

### **Refusal of Access**

The supervising social worker's line manager must be informed if there are reasons to deny access. The line manager will make the final decision. This decision must be recorded in the file including reasons. The applicant must be informed in writing and where appropriate given reasons. A suggested review period of six months should be allowed.

The supervising social worker will explain the decision to the applicant, and inform them of their right to appeal to the directors of Time out Fostering.

Following refusal of appeal the applicant can take the case to court, the court will require access to the file to inform their decision. The applicant will not have access unless the court has ruled in their favour.

### **Disclosure of Information within Time Out Fostering without consent.**

Where staff who are not directly involved in the child's case request access to a file only a director of Time Out Fostering can give approval.

### **Disclosure to a responsible Authority.**

When the matching process begins information about potential carers can be faxed or emailed to the placing Authority. The person sending the documents should remove identifying information. Once a placement has been agreed full information should be provided.

A placing Authority who requests information in relation to children or young people placed through them should have this supplied to them within 7 working days.

When information is sent to a placing Authority during a placement a note should be kept in the child's file of what has been sent, when and where.

When a placement ends all information will be kept electronically by Time Out Fostering, all paperwork will be returned to the placing Authority.

When a complaint or allegation has been made against a foster carer Time Out Fostering will supply the information whilst keeping it under the agencies control.

### **Disclosure to other agencies without the file subjects consent**

This should only happen when Time Out Fostering needs to provide information in order to fulfil its statutory functions e.g. the Guardian ad Litem, health services.

When Time Out Fostering Staff write letters or reports they should designate them as confidential where necessary.

Whenever a request is received for information on children or young people the supervising social worker should inform the placing Authority and allow them to make the decision.

### **Retention of records**

Regulations require that records be kept about foster carers for a minimum of ten years after they have finished fostering for the agency. If any allegations are received after carers have finished fostering the record should be kept for thirty years.

Applications to foster, which are not approved, should be kept for a minimum of three years. In cases that were complicated or drawn out files may be kept for ten years.

Responsible Authorities must keep childrens files for 75 years or for 15 years if a child or young person dies before reaching the age of 18.

Electronic files on children or young people should be kept for 30 years after the child or young person leaves the care of Time Out Fostering.