

INFORMATION – RECORDING IT, KEEPING IT SAFE AND ABIDING BY THE DATA PROTECTION ACT

Record Keeping

If you are a professional worker with children record keeping is an essential part of your work and the practical and legal requirements are usually part of the professional training. Volunteers may have little if any training in record keeping but it is important that it is done properly. Proper records help us to recall details accurately and provide a factual record that may be needed at a later date eg if you need to make a referral to Social Services.

You need to take particular care if you witness any form of abuse of a child or a child discloses abuse to you and/or makes an allegation of abuse.

Why record?

For the child's sake

- as a memory aid about what a child said or did, what they said happened to whom and when – and your own recollections if you witnessed abuse
- as a way of getting a moving picture and to help in problem solving
- to monitor progress and development

For the church's sake

- to establish accountability
- to ensure compliance with church policy and practice
- to show any gaps in provision of services
- to use as a tool in supervision/staff development

For the workers' sake

- to enable workers to “think aloud”
- as self protection (“cover your back”)
- assessment of professional/worker development

Other purposes

- providing teaching/training material
- providing research data

What should be recorded?

What is recorded must be linked with who it is that is making a record, the context and the reasons. This suggests the need for

- notes or entries to be signed and dated

- the name of the signatory to be clearly identified
- adherence to professional standards
- information to be
 - factual
 - accurate
 - clear
- records/files to be stored in a safe place to ensure confidentiality

How to record?

Given the right of individuals to have access to their records, it is important that records are properly written. Martin Shaw suggests that records should be written

as if the client were there looking over your shoulder. It is only a short step from that to writing with the client alongside, commenting on, amending, supporting the report, perhaps adding a dissenting note of their own. Records then become a co-operative experience in the “partnership” spirit of the Children Act (2)

Shaw also recommends that we should

- only be recording information necessary for the purpose
- distinguish facts from opinions
- distinguish personal values
- be concrete and specific rather than abstract and generalised
- use simple language
- emphasise strengths and positive steps that can be taken to improve a situation, rather than labelling the person and their world
- make recording a part of normal practice

Keeping it safe

Confidential information **must** be kept in a secure place, preferably in a locked cabinet or safe, access to which is restricted to the Incumbent and one or two other named people in responsible positions.

Adhering to the Data Protection Act 1998

The Data Protection Act 1998 came into force on 1st March 2000 replacing the Data Protection Act 1984.

In summary, the 1998 Act

- enhances the rights of individuals to gain access to information held about them
- sets down rules for processing personal information
- applies to some paper records as well as those held on computers

Principles of Data Protection

The rules

Anyone processing personal data must comply with the eight enforceable principles of good practice. They say that data must be

- fairly and lawfully processed
- processed for limited purposes
- adequate, relevant and not excessive
- accurate
- not kept longer than necessary
- processed in accordance with the data subject's rights
- secure
- not transferred to other countries without adequate protection

Personal data covers both facts and opinions about the individual. It also includes information regarding the intentions of the data controller towards the individual, although in some limited circumstances exemptions with apply. With processing, the definition is far wider than before. For example, it incorporates the concepts of "obtaining", "holding" and "disclosing".

Implications of the Data Protection Act 1998

Organisations which hold personal information about individuals on computer, need to be open about how the information is used. Some hard copy records, such as Disclosures from the Criminal Records Bureau, also come within the purview of the Act.

The individual's right of access extends to children and young people under 18 who understand what it means to exercise that right. If a young person asks for access to their records, an authority will need to decide whether or not they have sufficient understanding to do so.

Disclosure of Confidential Information

In all matters of child protection the highest degree of confidentiality must normally be maintained but this must be balanced against the vital importance of protecting children from significant harm. Section 29 of the Data Protection Act 1998 allows personal information to be disclosed, if necessary without the consent of the individual concerned, where the disclosure is made for the purpose of preventing or detecting crime, or the apprehension or prosecution of offenders.

References

Published guidance on how the Act may be interpreted, entitled "The Date Protection Act 1998 An Introduction" can be ordered from the Data Protection Commissioner's office at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AX or through the information line - 01625 545 745.

It is also available on the internet at www.dataprotection.gov.uk

“Data Protection Act 1998 Guidance to Social Services March 2000” is also available from the Department of Health.

“Avoiding the pitfalls – good practice in record keeping” Martin Shaw, Selected Summer Papers 1994/5, British Agencies for Adoption and Fostering.