

UNCLASSIFIED



CAFCASS CASE RECORDING POLICY

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1.0 Introduction

1.1 The purpose of this policy is to make clear:

- The process for case recording, and the roles and responsibilities for the creation, maintenance, access, storage and eventual destruction of case records; and
- How case recording will support safe, open and proportionate social work with children, young people and their families.

1.2 The appendices set out:

- The detail of maintaining the paper and electronic file, including case planning; and
- Good practice guidance about how to maintain a high quality of case recording.

1.3 The policy applies to everyone who works for Cafcass on children cases, whether as an employed family court adviser (including bank staff), family support worker, business support worker, self employed contractor, or those working under other types of contract for the provision of services.

1.4 This policy reflects the requirements set out in other related policies and protocols.¹ Cross-references are made where appropriate.

1.5 This policy replaces the previous version last updated in February 2009.

¹ These include the Safeguarding Framework; the Subject Access policy; monitoring of contracts for self-employed contractors, the Information Assurance policy, and the ACPO/Cafcass Protocol.

2.0 The principles underlying this policy

- 2.1 *“The case file is the single most important tool available to social workers and their managers when making decisions as to how best to safeguard the welfare of children under their care. It should clearly and accessibly record the available information concerning the child and the action that has been taken on the case to date”*

Paragraph 6.623, The Victoria Climbié Inquiry, Lord Laming, January 2003

- 2.2 **Proportionality** – All work must be recorded with the minimum necessary bureaucracy, especially the minimum repetition of written information.
- 2.3 **Accountability** – Case recording practice must comply with legislation, case law, professional standards and guidance.
- 2.4 **Transparency** – The information in the case record is available to service users in accordance with the provisions of the Data Protection Act 1998.² It is good practice for the information contained in case records to be available to the subjects of those records, whenever it is safe to do so. The sharing of case records with service users is a key means of operating in a transparent way.
- 2.5 **Accessibility** – The case record is a vital tool for practitioners, managers, and administrative staff in ensuring that all information is easily to hand.
- 2.6 **Accuracy and safety** – Service users are entitled to expect that Cafcass’ work with them is accurately recorded and that case records are kept safe from loss, theft, damage and inappropriate access or onward disclosure.

² See Cafcass policy for Subject Access Requests 2004, amended 2009.

3.0 The case record

3.1 The case record comprises information stored in three separate ways: the paper file; data held on Cafcass' case management system (CMS); and information stored on the G-drive of Cafcass' network. Together these must form a consistent, comprehensive and accurate record of the entirety of Cafcass' work in each case.³

3.2 There must be clear cross-reference between the CMS, the paper file and the G-drive record in each case, to enable minimum duplication within the overall record. Practitioners are expected to enter case information directly onto CMS, where possible to do so. Case details entered in the free-text boxes should be concise, and predominantly for the purpose of sharing extra information where there is a change of practitioner (e.g. duty to allocated).

3.3 All information, whether it is stored on the CMS (including free-text boxes), the paper file, or the G-drive should be recorded in accordance with the principles set out in this policy. The source of recorded information should be clear, as should its status, in terms of whether it is established fact, allegation, or an individual's professional opinion.

3.4 The paper file must be supported by a working electronic file held on the G-drive. This will be set up by Business Support upon receipt of the application form. Some teams may also populate the file with the relevant templates for this case type.⁴ The information stored in the G-drive will include:

- Correspondence and reports i.e. records devised from Cafcass templates, and copies of case-related correspondence (emails and attached documents). Emails must be saved on the G-drive and then printed off for the case file rather than saving these in the free-text boxes of the CMS.

³ The system needs to work both on paper and electronically, because the Cafcass case management system (CMS) is not yet sufficiently developed completely to replace the paper file or the electronic record on the G-drive.

⁴ These must be the most up to date templates, accessed via MS Word, set out in the Appendix (section 2.2)

- Any case-related actions arising from supervision or contact reviews with SECs.

3.5 The templates have been designed to be completed electronically, in particular the contact log. At the point at which the case is closed, everything on the G-drive must be printed off and stored in the paper file, unless to do so would create duplication. There is no requirement to do this earlier in the case – the cross-reference will suffice.

3.6 **For self-employed contractors (SECs)** – There is no direct access to the CMS or the G-drive, but SECs retain the responsibility to provide accurate and up-to-date information to Cafcass to enable the case record to be updated. All templates and practice policies are available on the Cafcass website as http://www.cafcass.gov.uk/recruitment/resources_for_cafcass_staff.aspx. The paper file must be in the format outlined in this policy and contain all information, including the printed version of emails, case recording, and any other information originally created electronically. No case-related data should be retained on the SECs personal computer, once the information has been transferred to the case file.

3.7 The paper file must be divided into separate sections as outlined below. Appendix 1 provides an index and summary of information about what is to be filed in each section. The contents of each section must be filed in chronological order. It is a matter for individual preference, to be applied consistently, as to whether the newest material is stored at the front or the back of each section of the file.

Section	Title
1	Case information
2	Contact log and detailed case recording
3	Correspondence
4	Case plan including case closure
5	Risk and safety process
6	Reporting to court
7	Direct work with the child / young person

8	Court orders
9	Court papers
10	Court experts and information from other agencies
11	Legal advice
12	Further information

3.8 There are two exceptions to this paper case file structure. Whilst all actions must still be recorded and all information retained, the documentation can be stored in a simple cardboard folder for the following types of work:

- Reporting officer cases in adoption applications;
- Hague Convention / Abduction cases; and
- In private law applications for work to first hearing (WTFH) where there has been no face-to-face meeting with service users before the first hearing (if the case continues beyond the first hearing, a paper and electronic case file should be created as described above).

4.0 Security of information

- 4.1 Everyone working for Cafcass, irrespective of role or employment status, must keep their work safe. This applies from the point in time when records are first created until they are destroyed.
- 4.2 Data protection legislation places the same stringent requirements on Cafcass in respect of access to and storage of personal data irrespective of whether this is held in paper or in electronic formats.
- 4.3 Paper files must be stored in locked cabinets when not being actively worked on. No case-related information should be left unsecured. Workstations must be cleared of case-related material when the worker using the material completes the work or leaves the office for more than a brief period. Any member of staff finding unsecured case-related information must take action to secure it.⁵
- 4.4 In situations where workers find it necessary to carry case-related information away from its secure base all necessary steps must be taken to ensure its safety.⁶ When files are sent to another office they must either be transferred by hand delivery or the use of a secure carrier. When a file is being moved between offices the Officer Managers at the initiating and receiving office must be informed so that the movement of the file can be tracked. The receiving office should be informed of the expected arrival time of a file and its receipt should be confirmed by email.
- 4.5 Neither the paper file nor the case-related data that is stored on a laptop or other electronic device are to be left unattended, for example in a car, on public transport or in any other public place (e.g. court interview room).
- 4.6. The case record (paper file and G-drive file, and CMS information) should only be accessed for the following purposes:

⁵ See Cafcass Information Assurance policy for more detailed guidance about the security of all confidential information (not just case-related information).

⁶ This requirement applies irrespective of employment status or work-base. For SECs or Family Court Advisers including bank staff who are home-based, the secure base will be the home office rather than a Cafcass office.

- Active case work (including quality assurance); and
- For research or other corporate reporting needs (e.g. aggregation for inspections, reports for Ministers etc).

4.7 Any users found to be accessing case records for purposes other than those stated above may be in breach of the IT Security or Information Assurance policies, and could be subject to disciplinary action.

4.8 Access to the G-drive folder where electronic case files are held will be limited, and users provided access when set up as new users.

4.9 This requirement applies irrespective of employment status or work base. Case-related documents will need to be stored on an encrypted hard drive that nobody else can access.

Secure emails

4.10 When sending or receiving case-related information via email (either in the email message itself or as an attachment) it is important to be aware that Cafcass operates on the Government Secure Intranet platform (GSI). This is a secure system which is compatible with the CJSM system used by many of our partners. No case-related information should be sent by email externally unless the recipients address is secure (i.e. CJSM, GSI or PNN), as emails sent to other addresses are not protected and could be access by anyone. Despite the pressures presented by local courts upon FCAs to meet court dates, no case-related material must ever be sent to a staff member's unsecured home email address.

4.11 As Cafcass is now on GSI it is no longer necessary to use password protection when emailing documents. When receiving sensitive information via email, ensure that agencies and professionals working with us understand that GSI is secure, and they are not required to password protect a document. Any documents sent to Cafcass which are password protected will automatically be quarantined by Flex.⁷ Password protection

⁷ To retrieve documents that have been quarantined, please contact the Flex Helpdesk.

available in Microsoft Office does not provide adequate technical protection to documents classified as Protect, Restricted or higher.

Classification of case records

4.12 It is a government requirement that Cafcass information be classified in accordance with specified classifications. All Cafcass created documentation needs to be assigned a security classification of unclassified, protect, or restrict based on assessment against the criteria listed in full in Appendix 2 of the Information Assurance policy.

4.13 Case files will be pre-printed with a classification of 'protect'. All templates have a space for a security setting in the header and the appropriate classification should be selected based upon the content of the document. This process will be automated in the near future through software. On the basis of assessment against the criteria listed in full in Appendix 2 of the Information Assurance policy, a very small minority of cases will need to be classified as 'confidential'. This decision rests with the service manager. Where there is doubt, legal advice should be sought.

4.14 Where case files contain documents with a mixture of different security statuses, the security status of the overall file will be determined by the document with the highest status within the file. For example, if one or more of the documents in a case file is marked as 'restricted' with the rest marked 'protect', the file as a whole will have 'restricted' status.

5.0 Transparency of case recording

5.1 The sharing of case records with service users, in particular key documents such as case plans, assessments and court reports, can assist in ensuring that records are both accurate and that recording takes place in a transparent way. It is important that case records are available to be shared directly with child or adult service users. However, the sharing of records should not take place when to do so could be unsafe or harmful to the interests of the individual service user or others involved in the case.⁸ Information should never be omitted from the case record, particularly reports, in order to make the report more suitable for sharing with child or adult service users.

5.2 The practitioner is responsible for exercising professional judgement in each case in order to determine the extent to which case information should be shared with the subjects of that information. For guidance refer to the principles of the Data Protection Act (DPA) which can be found in Schedule 1 of the act on the website for the Office for Public Sector Information, and for information about the act and Cafcass refer to Cafcass Data Protection Act: Subject Access Request Guidance.

5.3 Although Cafcass must comply with all 8 principles of the DPA for case recording, the following four principles are of particular relevance:

- **Principle 1** – ‘Personal data shall be processed fairly and lawfully’. For Cafcass it is necessary to process case information in relation to the administration of justice. Court rules specifying Cafcass’ responsibilities create legal obligations to do so.
- **Principle 3** – ‘Personal data shall be adequate, relevant and not excessive in relation to the purpose of purposes for which they are processed’. The information held on the case file must distinguish between cases with similar details and be relevant to the situation in the case, and not excessive in relation to our involvement.

⁸ The processing and retaining of records by Public Bodies is governed by the Data Protection Act 1998.

- **Principle 4** – ‘Personal data shall be accurate and, where necessary, kept up to date’. Where Cafcass obtains information either from the individual service user or via a third party, the accuracy of this data must be checked (for example, through local authority and police checking processes).
- **Principle 6** – ‘Personal data shall be processed in accordance with the rights of data subjects under the act’. The individual(s) have the right to request any data held about them which Cafcass holds. They also have the right to request their personal data be rectified, blocked or erased.

6.0 Monitoring of Diversity

6.1 Collecting diversity information provides a profile of our service users; the data is made anonymous and analysed to inform our service planning and future provision. It also enables Cafcass to demonstrate that we are fulfilling our legislative duties to meet the needs of all our service users.

6.2 A form for each adult and child service user must be placed on the case file when business support opens a case. The two exceptions to this collection of diversity information are in private law applications for work to first hearing where there has been no face-to-face meeting with service users before the first hearing (if the case continues beyond the first hearing, a form needs to be completed); and Reporting Officer cases where we witness consent, in these cases the diversity of service users can be noted from the Local Authority sources.

6.3 In private law the practitioner who has the first face to face contact with the service users is responsible for completing the form.

6.4 In public law cases, partial completion of the form by the practitioner may be done by using information obtained from Local Authority sources, and then confirmed with the service user (including, the child/ren who are the subjects of the application subject to their age and understanding,) at the point of the first face-to-face meetings.

6.5 The form is not suitable for completion by service users in the absence of the direct assistance of a Cafcass practitioner, so should not be posted, emailed or handed to service users for them to complete on their own.

6.6 Service users may choose not to answer any one or more of the questions, in which case the 'Prefer not to Answer' box should be ticked. If the service user does not provide any information, then the practitioner must complete the first sections CMS number, name of practitioner and date of completion.

6.7 At the point of case closure, if not already undertaken, diversity information must be transferred from the form onto CMS.

6.8 See the [Diversity Monitoring Guidance](#) for further information.

7.0 Quality of case recording

7.1 The case record should be of high quality, well structured, analytical and proportionate to the requirements of the case.

7.2 The templates are designed to be completed electronically. The availability of laptops means that entries can often be made electronically when practitioners are away from their office base. Handwritten recording is acceptable but this must be legible to other readers, such as the supervising manager, colleague practitioners and business support staff. If there is disagreement as to legibility, the decision rests with the Service Manager.

7.3 The Reporting to Court Handbook provides guidance about how to ensure that the recording of actions in the case is of high quality. It sets out helpful advice to ensure that:

- Case file material is up to date;
- The child is not 'missing' from the record;
- Facts are distinguished from professional judgements;
- The case file is written for sharing; and
- The case file is respectful about the service users.

7.4 The case plan provides the opportunity to demonstrate the reflection, analysis, review and planning that is undertaken throughout the life of the case.

7.5 The case plan must be updated at stages relevant to developments in the individual case, but as a minimum it must be updated for each court hearing or every 3 months, whichever is sooner.

8.0 Responsibilities within Cafcass

8.1 A number of people, working in different roles within Cafcass, carry responsibilities for the quality, accuracy and safety of case recording. Everyone is responsible for reporting any breach of this policy, either on their own part or by a colleague, to their manager.⁹

8.2 Each **practitioner** is responsible for:¹⁰

- Ensuring the security of case-related information;
- Proportionate case recording, ensuring that all actions on the case relating to the practitioner's analysis, planning and intervention are recorded, and that information received from individuals or agencies external to Cafcass is appropriately filed;
- Timely case recording. All recording of direct contact in the case should be contemporaneous;¹¹
- The accuracy of case recording on the paper file, the CMS and the G-drive (with the caveat relating to SECs as outlined);
- Ensuring that all case recording on the paper file, the CMS and the G-drive (with the caveat relating to SECs as outlined in **3.6** above), provides one

⁹ Appendix 6 of the Information Assurance policy sets out the process Cafcass follows when reporting data breaches.

¹⁰ This can be an employed family court adviser including bank staff, a self employed contractor, or an agency worker.

¹¹ Contemporaneous notes are those made either at the time of the event, or so shortly afterwards that the facts are fresh in the memory of the author. For the purposes of this policy this must be within 4 weeks.

comprehensive version of all documentation from all three sources at case closure;

- Either recording directly onto CMS or providing the information to business support colleagues for entry onto CMS;
- At the point of case closure, ensuring that the allocations status of the case is updated on CMS and that the paper case file is returned to Business Support in compliance with the local system operated by the Office Manager. This must be done within 4 weeks of the end of the case and the timescale applies equally to employed, bank, or self-employed practitioners; and
- Notifying Business Support when the file is removed from its source location, through the local system established by the Office Manager. This notification must include specifying the intended whereabouts of the tile and an expected time / date of return.

8.3 The **Family Support Worker (FSW)** is responsible for:

- As set out above, with the exception of: reporting to court, completing the assessment, or undertaking case closure;
- Recordings of any work done by FSWs should be filed on the case file or on the G-drive (with cross-reference entries being made on the paper case file). The FSW should agree with the FCA and Service Manager the detail of how this would be managed in each individual case; and
- The responsibility for contemporaneous recording and for storing records on the case file within four weeks of work taking place also applies to FSWs.

8.4 The **Office Manager** is responsible for:

- Data quality (including timeliness of entry) on CMS within the local office;
- Opening and closing the paper and electronic case file, with all relevant sections and information contained in the file prior to allocation. This applies to cases allocated to SECs, agency staff and home workers as well as to office-based family court advisers or family support workers;
- For introducing and then monitoring a system for tracking the whereabouts of paper case files normally stored in the Cafcass office;

- Ensuring that case-related information that comes into the office is passed promptly to duty or the allocated practitioner or (in the practitioner's absence from work) the duty practitioner or manager. This applies to information from any source, for example a telephone message, email, letter or personal caller.

8.5 The **Service Manager** is responsible for:¹²

- Ensuring there is a duty system in place which ensures that information from any source is passed to a duty or allocated practitioner;
- Managing the work of the practitioner/s working on cases, including ensuring that the responsibilities of the practitioner set out above are met. Exercising this responsibility will require the manager to monitor the case file, the CMS and the G-drive;
- Entering onto the case record: case-related information prior to allocation; case related actions arising from supervision; case-related information in the event of the practitioner/s extended absence from work;
- Having a system in place for obtaining all legal outcomes, including that of the final hearing and where there wasn't a Cafcass practitioner in attendance.
- Ensuring the transfer of the case record from duty to the allocated practitioner, in those instances where cases are allocated on a duty basis; and
- Checking the quality of case records in accordance with Cafcass' supervision policies and QI tools.

8.6 The Central Area **Operational Director Christine Banim** is responsible for:

- Acting as the 'information asset owner' for Cafcass in respect of case records. This means that she carries ultimate responsibility for the quality

¹² The term 'service manager' is the manager identified as holding management responsibility for the case. This could be the contract manager (for SECs) or a central manager for 'flexible' resource e.g. bank, agency staff. Most usually it will be the line manager for the practitioner, who is based in the local office where the paper file has its identified home.

and security of case related information throughout Cafcass' three operational areas.

8.7 The three **Operational Directors** for North, South and Central are responsible for:

- Implementation of this policy and any associated guidance that may from time to time be issued within their area; and
- Undertaking periodic audits to monitor the quality of case recording and compliance with this policy.

8.8 The **Heads of Service** are responsible for:

- Working through the performance management system to confirm that service managers are monitoring case recording as set out above, and recording this onto the performance management system.

9.0 Case closure

9.1 A case reaches the point of closure when there is no further work to be done by Cafcass as requested by the courts. This can be after first hearing; at any point up to and including the final hearing; or at a point beyond the end of the court proceedings when Cafcass has undertaken work beyond the court process e.g. FAO.

9.2 A case should not be closed before the outcome of the hearing is known, at which the court has received a report from Cafcass. The outcome can be obtained directly from the court, or via a legal representative. There is no longer a requirement for the formal Court Order to be provided before closure.

9.3 Work to First Hearing

A case is closed when the WTFH form is completed by the practitioner and returned to the office indicating the outcome of the first hearing (or further required hearings before a report is ordered). In some cases the final legal output may be obtained by teams rather than the practitioner.

9.4 Work after First Hearing

A case is closed when:

- the outcome section of the case plan is completed by the practitioner. Alternatively the final legal outcome will need to be obtained from the courts by the teams;
 - it is signed for closure via the local management process; and
 - it is registered as such on both CMS and on the case file.

9.5 At the point where Cafcass work on a case is complete, the allocated practitioner must record the case closure information as set out at the end of the case plan. This must be completed within 4 weeks of the end of the Cafcass case. It is important to record this information because it provides a clear record of the end phase of Cafcass involvement, which may need to be accessed by the subject child at some point in the future; it also helps capture statistical information which can be used to track and evidence the outcomes of Cafcass' work for children.

Retention and destruction of paper files

9.6 Information arising from Cafcass' involvement in a case is to be retained until the youngest child who is the subject of the proceedings in the case has reached the age of 22 years. At this point, the entire case record will be destroyed.¹³ (Note that adoption cases pre-November 2006 will be held for 75 years).

9.7 In all cases, information provided by the police must be destroyed 18 months after its receipt or at the end of the court proceedings, whichever is sooner, unless the police give specific permission for it to be retained longer.¹⁴ This retention of police information can be justified because it helps us meet our statutory obligations for providing information to the public and other agencies and it keeps a history for the child.

¹³ Detailed guidance of the destruction of all confidential information (not just case recording) is provided in the Information Assurance policy, to ensure compliance with the Hannigan Review reforms.

¹⁴ See ACPO / Cafcass / Cafcass CYMRU Information Disclosure Protocol, May 2008.

9.8 In private law applications, all information (except the police information) must be retained on the case file or wallet for cases that do not go beyond first hearing. For ease of checking Cafcass involvement if parties return to court after case closure, files are not sent to archive within 1 year of case closure where office space permits.

9.9 In public law and adoption cases, all court applications and information arising from Cafcass work in the case must be retained. It is not mandatory to retain information from the local authority. A balance needs to be achieved between the value of retaining information, which is available elsewhere, and the time and effort needed to scrutinise the file. The decision needs to be made locally.