



CAFCASS CASE RECORDING POLICY

This policy sets out how the professional case record of Cafcass work in individual cases should be maintained. It replaces the Case Recording Policy dated October 2006.

The policy applies to everyone who works for Cafcass on children cases, whether as an employed family court adviser, bank worker, family support worker, business support worker, self employed contractor or under any other sort of contract for the provision of services.

The purpose of the policy:

- provides clarity about process, roles and responsibilities for the creation, maintenance, storage and eventual destruction of case records
- supports safe and reflective working practice with children, young people and their families
- reflects the requirements of other policies but without undue repetition e.g. supervision; safeguarding framework; subject access; monitoring of contracts for self-employed contractors

The attachments provide good practice guidance for:

- the detail of maintaining the paper file including case planning
- maintaining a high quality of case recording
- work in private and public law

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GLOSSARY

Case record: The full record of Cafcass' work in any individual case, comprising the information held on CMS, the G-drive and the paper file.

Case file: The paper case file, set up by Business Support at the start of each case.

CMS: Cafcass Case Management System, which stores case data and is the vehicle for producing management information about each case. Increasingly, the CMS is being developed to act as a full casework record. From May 2009, CMS will also be the means for Cafcass to provide information to ContactPoint, the government's new information record relating to all children in England.

FCA: Family Court Adviser. FCA is the term used by Cafcass for an employed worker fulfilling the role of qualified social work practitioner.

FSW: Family Support Worker. FSW's work within each Cafcass team to support casework with children and their families. Some FSW's work as family group conference co-ordinators.

G drive: One section of the Cafcass electronic record. Each case should have a G-drive folder, with shared access for the practitioner and the service manager. For SEC's, access will be limited but a file should still be created to enable the manager to hold the record of any case-related discussion and planned outcomes, arising from contract review meetings.

Hannigan Review: The Hannigan Review and the report that followed, Data Handling Procedures in Government: Final Report (<http://www.cabinetoffice.gov.uk/~media/assets/www.cabinetoffice.gov.uk/csia/dhr/dhr080625%20pdf.ashx>) set out actions to be put in place to improve data security, and outlines what will be done to strengthen policies further. See Appendix 5 for more details.

Practitioner: This can be an employed family court adviser, a self employed contractor, an agency worker or Bank staff

SEC: Self-employed Contractor. Self Employed Contractors are accountable via contract management. Each SEC will have a named contract manager who through contract review will provide a focus on Quality Assurance, performance and productivity. The arrangements for each contract management working relationship will be set by the contract manager, taking into account the policies and procedures relating to contract management.

Service Manager: The term 'service manager' in this policy relates to the manager identified as holding management responsibility for the case. This could be the contract manager (for SEC's) 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

1.0 BACKGROUND

- 1.1 There are two main drivers for this new policy – recognition by Cafcass of what recording and planning is needed to promote good practice in cases, and enhanced government standards for good practice in protecting the security of all data held by public bodies.
- 1.2 In January 2008 the government established the ‘Hannigan’ review into the security of data held by public bodies in the UK. This review has established stringent new criteria, which will impact on the day-to-day working of all Cafcass staff. This policy and guidance comply with these criteria, but the detail in the guidance may need to be updated, as the review continues its work.

2.0 WHAT ARE THE PRINCIPLES UNDERLYING THIS POLICY?

“The case file is the single most important tool available to social workers and their managers when making decisions as to how best 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

- **Proportionality** - All work must be recorded, with the minimum necessary bureaucracy especially the minimum repetition of written information
- **Accountability** - Case recording practice must comply with legislation¹, case law, and professional standards and guidance issued from time to time.
- **Transparency**. The information in the case record is available to service users in accordance with the provisions of the Data Protection Act 1998². In addition, it is good practice for as much information as possible to be shared directly with the child, young person or adult. Moving information from ‘in the head’ to ‘on the record’ is an important first step in promoting this transparency.
- **Accessibility**. The case record is a vital tool for the practitioner, manager and administrative staff, in ensuring that all information is easily to hand
- **Accuracy and safety**. Service users are entitled to an assurance that Cafcass’ work with them is accurately recorded and that the record is kept safe. ‘Safe’ in this context means safe from loss, theft or damage in addition to safe from inappropriate disclosure.

¹ In compliance with the Criminal Justice and Court Services Act 2000; the Data Protection Act 1998, and the Human Rights Act 1998

² See Cafcass Policy for Subject Access Requests 2004, amended Sept 2008

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. Increasingly, practitioners will be expected to enter case information directly onto CMS.⁴
- 3.3 Information stored on the CMS (free text boxes), the paper file or the G-drive should all apply the same high standards of recording. All information should be sourced⁵; there must be clarity about whether a piece of information is fact or allegation; and the workers reflection/analysis must be clearly identified as separate from factual recording.
- 3.4 The paper file must be supported by an electronic file held on the G-drive. The information stored here will be:
- by the service manager, any case-related actions arising from supervision or contract reviews with SECs
 - by employed family court advisers or family support workers, using any of the pro-forma from the paper file that can be completed electronically.⁶
- 3.5 At the point at which the case is closed, everything on the G-drive must be printed off and stored in the paper file. 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 limited or 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. 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 self-employed practitioner's personal computer, once the information

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 The CMS Data Quality Policy (2008) sets out the policy and procedure for data entry and data quality

⁵ See Cafcass Policy for Subject Access Requests (http://cafint01/Intranet/departments/corporate_governance/foi_and_da.aspx)

⁶ The risk identification form, the case plan, the contact log, the detailed recording sheet and the case closure information.

has been transferred to the case file⁷.

- 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. Each section's contents must be filed in chronological order. It is a matter for individual preference whether this is with the newest information on top, or building from the top as in a book or the court bundle. What matters is that the documentation is in order.
- 3.8 Appendix 3 sets out good practice guidance for care order and residence / contact applications. These can be printed off and inserted at the front of the paper case file, if either the practitioner or manager decides that it would promote good practice by the individual practitioner who has been allocated the case.

Section	Title
1	Case Information
2	Contact Log & detailed case recording
3	Correspondence
4	Case plan including case closure
5	Risk & 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

- 3.9 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 and
 - work done in private law applications up to and including the day of the First Hearing, if no meeting with either party (or the child) takes place prior to that hearing.

4.0 SECURITY OF INFORMATION

- 4.1 Everyone working for Cafcass, irrespective of role or employment status, is responsible for keeping their work safe. This applies from the point in time when records are first created until they are destroyed.

⁷ The Hannigan Review will require further changes to the SEC's use of a home computer or laptop. These detailed requirements will be issued separately.

- 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 on paper or in electronic format.
- 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.⁸

In situations where workers find it necessary to carry case-related information away from its secure base⁹, all necessary steps must be taken to ensure its safety. When files are sent to another office they must either be transferred by hand delivery or the use of a secure carrier (e.g. the Government Car and Despatch Agency). Office Managers must inform the receiving office of the expected arrival of a file and its receipt should be confirmed by email.

- 4.3.1 Neither the paper file nor case-related data that is stored on a laptop is to be left unattended, for example in a car, on public transport or in any other public place (e.g. court interview room).
- 4.5 This requirement applies irrespective of employment status or work-base. For SECs or Family Court Advisers who are home-based, the secure base will be the home office rather than a Cafcass office. Minimum requirements for safe working are the use of a lockable filing cabinet and a secure computer.
- 4.6 It is a Government requirement that information be classified in accordance with the implications should the data be wrongly disclosed. The Government classifications are listed in full in Appendix 5. Each paper file will be clearly marked with its security classification. The file dividers will be pre-printed with a classification of 'restricted'.
- 4.7 On the basis of assessment based on the criteria in Appendix 5, 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 taken.
- 4.8 Where case-related information is sent via external email, this must always be Password Protected (see Appendix 1 for guidance on how to do this).

⁸ More detailed guidance about the security of all confidential information (not just case recording) will be available as part of the updated Information Assurance Policy, to ensure compliance with the Hannigan Review reforms.

⁹ This requirement applies irrespective of employment status or work-base. For SECs or Family Court Advisers who are home-based, the secure base will be the home office rather than a Cafcass office.

5.0 QUALITY OF CASE RECORDING

- 5.1 The case record should be of high quality, well structured, analytical and proportionate to the requirements of the case.
- 5.2 Handwritten recording is acceptable but this must be legible to other readers and not just the original writer. This must be monitored by the service manager as part of their performance management role. It is not a decision for the allocated practitioner alone.
- 5.3 Appendix 4 provides guidance about how to ensure that the recording of actions in the case is of high quality. It sets out '5 Top Tips'¹⁰:
- ensure case file material is up to date
 - ensure the child is not 'missing' from the record
 - ensure that facts are distinguished from professional judgements
 - ensure the case file is written for sharing
 - ensure the case file is respectful about the service users
- 5.4 The case plan section provides the opportunity to demonstrate the reflection, analysis, review and planning that is undertaken throughout the life of the case. The case plan pro-forma are set out in Appendix 2.
- 5.5 To assist with this process, Appendix 3 provides guidance about actions that are required at each stage of the case.
- 5.6 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.

6.0 RESPONSIBILITIES WITHIN CAFCASS

- 6.1 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 by themselves or by a colleague, to their manager.
- 6.2 Each **practitioner**¹¹ is responsible for:
- Comprehensive 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 contacts in the case should be contemporaneous.¹²

¹⁰ www.writeenough.org.uk

¹¹ This can be an employed family court adviser, a self employed contractor, an agency worker or Bank staff.

- Ensuring that all case recording and other information is placed on the case record within a maximum of 4 weeks.
- The quality of case recording on the paper file, the CMS and the G drive (with the caveat relating to SECs as outlined in Para 3.5 above).
- The accuracy of case recording on the paper file, the CMS and the G drive (with the caveat relating to SECs as outlined in Para 3.5 above).
- 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 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.
- Ensuring the safety of case-related information
- For those paper case files whose secure base is the Cafcass office, notifying Business Support if the file is to be removed from the office, through the local system established by the office manager. This notification must include specifying the intended whereabouts of the file and an expected time/date of return.

6.3 The **Family Support Worker** is responsible for:

- As in above with the exception that Family Support Worker's should never hold lead responsibility for risk identification, safety assessment, reporting to court or case closure.
- Recording will be on the single case file in order to avoid confusion. The Family Support Worker should agree with the FCA and Service Manager the detail of how this would be managed in any individual case.
- The responsibility for contemporaneous recording and for storing records on the case file within four weeks applies equally to Family Support Worker's.

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

- Data quality (including timeliness of entry) on CMS within the local office
- Opening and closing the paper 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.

¹² 'Contemporaneous notes' are those made either at the time of the events or so shortly afterwards that the facts are fresh in the memory of the author.

- Tracking the whereabouts of paper case files normally stored in the Cafcass office, if the practitioner has notified Business Support that one is being removed from the office.
- Ensuring that case-related information that comes into the office once the case is allocated is passed promptly on to the relevant practitioner or (in the practitioner's absence from work) the manager. This applies to information from any source for example, telephone message; email; letter or office caller.

6.5 The **Service Manager**¹³ is responsible for:

- Managing the work of the practitioner/s working on cases, which includes 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.
- Entering onto the case record, case-related actions arising from supervision.
- Entering onto the case record, case-related information in the event of the practitioner/s' extended absence from work
- Checking the quality of at least two case records prior to each supervision session with a practitioner or (for SECs) a contract management meeting.

6.6 The **Corporate Director (Practice)** is responsible for:

- Acting as the 'information asset owner' for Cafcass.¹⁴ This means that s/he carries ultimate responsibility for the quality and security of case related information throughout the organisation.
- Developing and reviewing this policy and any associated guidance that may from time to time be issued
- Implementation of this policy and any associated guidance that may from time to time be issued
- 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.
- Undertaking periodic audits to monitor the quality of case recording and compliance with this policy

7.0 CASE CLOSURE

¹³ The term 'service manager' is the manager identified as holding management responsibility for the case. This could be the contract manager (for SEC's) 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.

¹⁴ This term is a requirement of the Hannigan Review

- 7.1 At the point where Cafcass work on a case is complete, the allocated practitioner¹⁵ must record the case closure information as set out at the end of the Case Plan (Appendix 2). This must be completed within 4 weeks of the end of the Cafcass case.
- 7.2 It is important to record this information because:
- it acts as a record of the child's situation as it has developed. This is important in situations where there is a further application in respect of that child or other children in the family. It is also important for those children who in future years may wish to access the information that Cafcass holds.
 - It helps to capture important statistical information for example, in how many cases did the outcome for the child follow the Cafcass recommendation?
 - It helps to identify the contribution that Cafcass makes to promote the well being of children during our involvement. This is sometimes called the 'value-added' and Cafcass relates it to the Every Child Matters outcomes for children.¹⁶

8.0 RETENTION AND DESTRUCTION OF PAPER FILES

- 8.1 Information arising from Cafcass' involvement in a case will be retained until the child reaches the age of 22 years. In a case where more than one child is the subject of proceedings, the information will be retained until the youngest child reaches the age of 22 years, after which the entire case record will be destroyed.¹⁷
- 8.2 This retention is justified in that it:
- Gives service users an opportunity to make a subject access request.
 - Gives practitioners an opportunity to access case file information in the event that the case returns to Cafcass.
 - Provides information to a child who wishes to learn more about their life story in future years.
 - Provides information to a child who wishes to make a claim within the statutory limitation period.
 - Provides information if needed for a serious case review or a domestic violence homicide review.
- 8.3 In all cases, information provided by the police must be destroyed after 18 months or the end of the court proceedings, whichever is sooner, unless the police give specific permission for it to be retained longer.¹⁸

¹⁵ This can be an employed family court adviser or family support worker, a self employed contractor, an agency worker or Bank staff

¹⁶ The Every Child Matters outcomes for all children in England are: being healthy; staying safe; enjoy and achieve; making a positive contribution; and achieving economic well being.

¹⁷ Detailed guidance on 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.

¹⁸ See ACPO / Cafcass / Cafcass CYMRU Information Disclosure Protocol, May 2008

- 8.4 In private law cases, all information (except the police data) must be retained on the case file¹⁹.
- 8.5 In public law and adoption cases, all court orders 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. This decision needs to be made locally.

9.0 TRANSITIONAL ARRANGEMENTS

- 9.1 This policy can be applied from 1st October 2008 but it becomes mandatory from 1st April 2009. It must apply to all new cases *opened* after 1st April 2009 and the retention timescale (8.1) must apply to all cases *closed* after 1st April 2009. For this purpose, 'new cases' means any application where there is not currently an open case. The child or family may have previously been known to Cafcass, but still fit this definition of 'new'.
- 9.2 Existing files can be continued for current cases, which are open on 1st April 2009.
- 9.3 Where a practitioner wants to convert a file on a current open case to the new structure, this is permissible. Business support staff will provide a new case structure but it will be the practitioner's responsibility to transfer the contents.

¹⁹ Previously private law case information from work done up to and including the First Hearing that did not lead to any further Cafcass involvement was destroyed after 12 months. This policy ends this practice and provides a unified timescale as set out in Para 8.1