

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, e.g. 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 noting changes over time, in particular if patterns emerge;
- To monitor whether the situation is worsening or improving.

For the church's sake

- To establish accountability;
- To ensure compliance with church policy and practice;
- To use as a tool in supporting and supervising staff/volunteers.

For the workers' sake

- To enable workers to 'think aloud';
- As self protection ('cover your back').

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. The following are essential:-

- notes or entries to be signed and dated;
- the name of the signatory to be clearly identified;
- information to be
 - factual
 - accurate
 - clear.
- Records/files to be stored in a safe place to ensure confidentiality;

- If information is not first-hand or there are doubts about its accuracy, the note should be endorsed to this effect with reasons for that conclusion.

How to record?

Given the right of individuals to have access to their records, it is important that records are properly written.

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 generalized;
- use simple language;
- emphasize 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 and safe place, preferably in a locked cabinet and access should be 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, which came into force on 1st March 2000, replacing the Data Protection Act 1984:

- 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 will 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

Organizations 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.

Reference Material

Published guidance on how the Act may be interpreted, entitled '*The Data 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.

