



Case Recording Policy for Adult Services

Adult, Culture and Community Services

December 2007

**Adult, Culture and Community Services
Adult Services**

DOCUMENT CONTROL

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1. Introduction

- 1.1 This policy and associated guidance on case recording, (Guidance to be developed) covers all staff in Adult Services and Commissioning and Strategy who have responsibility for recording personally identifiable information about service users and carers. It is also for staff in block provider organisations providing a service commissioned to meet assessed need.
- 1.2 The policy updates and replaces the Directorate's *Case Recording Policy and Procedures* of 2000 and is based on current legal requirements and professional best practice.
- 1.3 Framework-i, the Directorate's social care application, has replaced the recording of work on paper files and provides a complete record of all work done with service users and carers.
- 1.4 The Directorate's records are its corporate memory, providing evidence of actions and decisions and are a vital asset to support daily functions and operations. Records support the rights of service users and carers, staff and members of the public. They are necessary for the investigation of complaints, for policy formation and managerial decision-making. They support consistency, continuity, efficiency and productivity and help deliver services in consistent and equitable ways. Information in case records is an important source of administrative, evidential and historical and equalities information. It supports current and future operations (including meeting the requirements of Freedom of Information legislation). Records are necessary for accountability purposes, and for an awareness and understanding of Adult Services' history and procedures.
- 1.5 Records are essential as evidence in court proceedings, investigations and public inquiries.
- 1.6 Records are essential for equalities monitoring.
- 1.7 This policy document should be read in conjunction with the following:
 - Haringey Council Equal Opportunities Policy July 2007
 - *General Protocol for Information Sharing between Haringey Council, Haringey Teaching Primary Care Trust Haringey Metropolitan Police, Probation, Barnet, Enfield & Haringey Mental Health Trust*, March 2004.
 - *Adults Information Sharing Protocol* Haringey Council, Haringey Teaching Primary Care NHS Trust , Homes For Haringey, Barnet, Enfield & Haringey Mental Health NHS Trust, Whittington Hospital NHS Trust, North Middlesex University Hospital NHS Trust, (Forthcoming 2007).
 - *Case Recording File Audits, Quick Guidance*, Haringey Council, Adult, Culture and Community Services, Adult Services, August 2007.
 - *Case Recording Guidance*, Haringey Council, Adult, Culture and Community Services, Adult Services which set out how the policy requirements will be delivered in each service area (Service specific guidance to be developed).
 - *The Framework-i User Manual v2.0* Haringey Council, Adult, Culture and Community Services, e-care June 2005

- *Framework-i 2.8.7 Guide* Haringey Council, Adult, Culture and Community Services, e-care June 2007

1.8 Rationale

Accurate recording will ensure data is available:

- For recognition of work done
- For equalities monitoring at national, borough and directorate level
- For meeting government requirements and reporting of essential performance indicators
- To contribute to the annual assessment for star rating by the Commission for Social Care Inspection
- For needs analysis and future projection of need
- For evaluation of current services and future service development, planning, and commissioning
- As evidence in investigations, complaints or legal proceedings

1.9 Recording outcomes for service users and carers

The Government White Paper, **Our Health, Our Care, Our Say**, (OHOCOS) has identified seven outcomes for service users and carers:

- Improved health and emotional well-being
- Improved quality of life
- Making a positive contribution
- Increased choice and control
- Freedom from discrimination or harassment
- Economic well-being
- Maintaining personal dignity and respect

To ensure we have the well-being of service users and carers foremost in our minds when carrying out assessments the Commission for Social Care Inspection (CSCI) also uses those outcomes for its performance framework and the annual self-assessment, completed in May each year. This contributes to Adult Services star-rating. Recording should, wherever possible, provide evidence of contributing to the seven OHOCOS outcomes.

2. Scope and definition

2.1 Definition

Case records are defined in this policy as:

‘recorded personally identifiable information about service users and carers, in any form, created or received and maintained by Adult Services while carrying out its work and kept as evidence of that work’.

2.2 Types of information covered

This policy relates to all personally identifiable information about service users and carers held in any format by Adult Services. These include:

- Electronic or hard copy service user/ carer information
 - Videos, digital media including CD-ROMS, DVDs, USB disc drives, removable memory sticks
 - Computerised records, including those that are processed in networked, mobile or standalone systems
 - Email, text and other message types
 - Handwritten paper-based records from external sources
 - Telephone messages
 - Complaints records
 - Logs or day books
- 2.3 The policy covers all contacts from potential or actual service users/carers, the public or professionals from the point of enquiry, through referral to assessment, decisions about service allocation, care planning, service provision, review, case closure, the death of a service user/carers and complaints.
- 2.4 The policy covers all staff in Adult Services and Commissioning and Strategy who have responsibility for recording or handling personally identifiable information and all staff in commissioned provider services.

3. Aims of our case recording system

- 3.1 The aims of our case recording system are to ensure that:
- Records are fair and accurate.
 - Records meet equalities principles and are written in a non-discriminatory way.
 - They are available when needed – it should be possible to form a reconstruction of activities or events that have taken place.
 - Records can be accessed - records and the information in them can be located and displayed in a way consistent with initial use, and the current version can be identified where multiple versions exist.
 - Records can be interpreted - the context of the record can be interpreted: who created or added to the record and when, during which business process, and how the record is related to other records.
 - Records can be authenticated – the record reliably represents the information that was actually used in, or created by, the business process, and its integrity and authenticity can be demonstrated.
 - Records are secure - from unauthorised or inadvertent alteration or erasure, that access and disclosure are properly controlled and audit trails will track all use and changes.
 - Records provide evidence of outcomes for service users and carers.

4. Roles and responsibilities

- 4.1 **The Director** has a particular responsibility for ensuring that the Directorate meets its legal responsibilities corporately and so has overall responsibility for case recording in the Directorate. As accountable officer s/he is responsible for the management of the organisation and for ensuring

appropriate mechanisms are in place to support service delivery and continuity.

- 4.2 The Directorate's **Caldicott Guardian** (see Appendix 2) has a particular responsibility for reflecting service users' and carers' interests regarding the use of personally identifiable information. S/he is responsible for ensuring personally identifiable information about service users and carers is shared in an appropriate and secure manner.
- 4.3 **Service managers** are responsible for the quality of recording in their service and for ensuring that audits of case recording are carried out according to the guidelines and timescales agreed in the Directorate's *Case Recording File Audits, Quick Guidance*
- 4.4 **Line managers** are responsible for ensuring:
- The quality of case recording
 - That during supervision case records are up to date and completed in accordance with *Case Recording File Audits, Quick Guidance*.
 - Audits of case records are carried out
- 4.4 **The Commissioning and Strategy division** provides system support. The **Performance Team** monitors performance including case file auditing performance.
- 4.5 **All Directorate staff**, whether practitioner or administrative, who create, receive and use records have case recording responsibilities. In particular all staff must ensure that they keep appropriate records of their work in the Directorate and manage those records in keeping with this policy and with associated guidance and protocols.
- 4.6 **All Directorate staff who have access to Framework-i** have responsibility for recording all work relating to service users and carers on Framework-i in accordance with relevant guidance and protocols.

5. Legal and professional obligations

- 5.1 **Relevant legislation**
All recording must comply with relevant legislation including equalities legislation. (See Appendix 1)
- 5.2 **The Department of Health** states in *Defining the social care record* (2003):
- Service users expect** a good consistent service from all government organisations. To achieve this each organisation has to keep records of what it is doing and how it is doing it. This is necessary to ensure:
- **consistency** in service delivery over time, as staff change or move on
 - **continuity** of service delivery when regular members of staff are not available because of leave, sickness or other absences.
 - **quality** of service delivery through monitoring by managers, inspectors, complaints mechanisms or other means.

5.3 Professional obligations

The General Social Care Council's *Code of Practice for Social Care Workers and Social Care Employers* (2002) places a responsibility on employees for **“respecting confidential information and clearly explaining agency policies about confidentiality to service users and carers”**

The Code of Practice also states that social care employees are also responsible for:

- Implementing and monitoring written policies on: **confidentiality**; equal opportunities; risk assessment; substance abuse; **record keeping**; and the acceptance of money or personal gifts from service users or carers
- Maintaining clear and accurate records as required by procedures established for your work

6. Principles of recording

6.1 General principles of recording

- Record in plain simple English. Jargon and abbreviations should not be used.
- Ensure your name and position on each entry.
- Record within 48 hours of an event to get the most accurate account of events and details.
- Include date of any event being recorded and date of recording.
- Recording should be brief and unambiguous but not so brief as to be sterile and uninformative.
- Service users and carers should be able to read about themselves in a meaningful way.
- Specify the nature of any concerns and the perceived risk factors. Records should include an assessment of the concerns with an account of actions taken and plans made to progress case towards identified objectives
- Record every decision-making process, not just decision.
- Throughout work with a user or carer, at end of each session or visit brief assessment of situation and outline of action taken.
- Equalities issues must be considered throughout the process and no stereotyping or stigmatising language used. Cultural needs should be recorded.
- Share material from file with user and where appropriate the carer, within bounds of confidentiality regulations. The user/carer should be consulted when deciding on and recording future plans and objectives, and when checking factual accuracy of the record.
- Care plans should be in a format accessible to both user and carer, and user must be given a copy.
- Ensure communication with users/carers is as full as possible, making creative use of alternative media for communicating with users who have particular communication needs.
- Recording should clearly distinguish fact from professional opinion.
- Where records contain professional opinion reasons for opinions should be clearly stated with supporting evidence.

- Where differences of opinion occur, these should be clearly stated and reasons and evidence stated.
- Service users and carers should be given clear information about the purpose of record-keeping, what records are kept and requested to give permission for access.
- Financial assessment information must be given and recorded where necessary.
- All recording must be done on Framework-i where available.

7. Equalities mainstreaming

7.1 Equalities monitoring and mainstreaming

Recording of equalities data is *mandatory*.

CSCI requires equalities monitoring data on age, gender and ethnicity. This data must be recorded on Framework-i.

Framework-i collects data on religion as well as age gender and race. All these fields should be completed.

Haringey Council decided in July 2007, when the revised Equal Opportunities Policy was adopted, to introduce and roll out monitoring of sexuality in service provision. Guidance will be given when Framework-i has been updated to record this information in Adult Services.

In order to evidence that the needs of service users are met the following should be recorded:

- All equalities strands should be considered throughout case records; disability, HIV/AIDS, gender, race, nationality, religion, sexuality.
- The communication and language needs of service users and carers should always be considered for example where a service user or carer may need interpreter, written material in an alternate format or a language other than English.
- Arrangements should be made for advocates, interpreters, relatives or friends, to assist any user or carer where necessary.

8. Case recording audit

- 8.1 The Directorate will regularly audit its case records in order to ensure quality and continuous service improvement. The results of audits will be reported to relevant service managers at performance callovers. (See *Case Recording File Audits, Quick Guidance*)

9. Training

- 9.1 All Directorate staff will be made aware of their responsibilities for record-keeping and case recording through generic and specific training programmes and guidance.

10. Review

- 10.1 This policy will be reviewed annually (or sooner if new legislation, codes of practice or national standards are introduced).

Appendix 1

Relevant legislation

Civil Partnership Act 2004

The Act creates a new legal relationship of civil partnership, which two people of the same-sex can form by signing a registration document. It also provides same-sex couples who form a civil partnership with parity of treatment in a wide range of legal matters with those opposite-sex couples who enter into a civil marriage.

Data Protection Act 1998

The Act works in two ways.

Firstly, it states that anyone who processes personal information must comply with eight principles, which make sure that personal information is:

1. Fairly and lawfully processed
2. Processed for limited purposes
3. Adequate, relevant and not excessive
4. Accurate and up to date
5. Not kept for longer than is necessary
6. Processed in line with your rights
7. Secure
8. Not transferred to other countries without adequate protection

Secondly the Act provides individuals with important rights, including the right to find out what personal information is held on computer and most paper records.

The Information Commissioner's guidance covers most aspects of data protection. See the ICO website for up to date guidance
http://www.ico.gov.uk/tools_and_resources/document_library/data_protection.aspx

Freedom of Information Act 2000

The Freedom of Information Act deals with access to official information and gives individuals or organisations the right to request information from any public authority.

Disability Discrimination Act 1995

Covers disabled peoples rights in the areas of employment, education, access to goods, facilities and services and buying or renting land or property as well as minimum standards for public transport.

Disability Discrimination Act 2005

The Disability Discrimination Act 2005 updates the 1995 Act. It makes changes to the definition of disability from December 2005 in the following ways:

- cancer, HIV and MS are now covered from the point of diagnosis
- the requirement that mental health impairments are "clinically well recognised" is removed

It introduces a disability equality duty on all public authorities. The duty is divided into two parts, the general duty and the specific duty. This duty will have a significant impact on the way in which all public services are provided and on improving the lives of disabled people.

The Equality Act 2006

- Established the Commission for Equality and Human Rights (CEHR) and define its purpose and functions.

- Makes unlawful (subject to exemptions set out in the Bill) discrimination on the grounds of religion or belief in the provision of goods, facilities and services, the disposal and management of premises, education, and the exercise of public functions.
- Creates a duty on public authorities to promote equality of opportunity between women and men, and to prohibit sex discrimination in the exercise of public functions.

The Equality Act 2006 also introduces the new **Gender Equality Duty 2007** which requires the public sector to promote gender equality. All public authorities as employers and service providers are required to have due regard to;

- The need to eliminate unlawful discrimination and harassment and
- To promote equality of opportunity between men and women

Human Rights Act 1998

The Human Rights Act makes part of UK law the following rights contained in the European Convention on Human Rights:

- The right to life (Article 2)
- The right not to be tortured or treated in an inhuman or degrading way (Article 3)
- The right to be free from slavery or forced labour (Article 4)
- The right to liberty (Article 5)
- The right to a fair trial (Article 6)
- The right to no punishment without law (Article 7)
- The right to respect for private and family life, home and correspondence (Article 8)
- The right to freedom of thought, conscience and religion (Article 9)
- The right to freedom of expression (Article 10)
- The right to freedom of assembly and association (Article 11)
- The right to marry and found a family (Article 12)
- The right not to be discriminated against in relation to any of the rights contained in the European Convention (Article 14)
- The right to peaceful enjoyment of possessions (Article 1 of Protocol 1)
- The right to education (Article 2 of Protocol 1)
- The right to free elections (Article 3 of Protocol 1)

Race Relations Act 1976

It is unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin. All racial groups are protected from discrimination for employment, training and services. The local authority has a positive duty to promote racial equality.

Race Relations (Amendment) Act 2000

The Race Relations Amendment Act 2000 requires named public authorities to review their policies and procedures; to remove discrimination and the possibility of discrimination; and to actively promote race equality. It amends the Race Relations Act 1976 and applies to the fields of employment, planning, housing, the exercise of public functions (including private provision), the provision of goods, facilities and services and education and says we must have a Race Equality Scheme.

Sex Discrimination Act 1975

Prohibits sex discrimination against individuals in the areas of employment, education, and the provision of goods, facilities and services and in the disposal or management of premises

Appendix 2

Caldicott Principles and Caldicott Guardians

The Review of Patient-Identifiable Information, chaired by Dame Fiona Caldicott (the Caldicott Report 1997), made a number of recommendations for regulating the use and transfer of patient-identifiable information between NHS organisations in England and to non-NHS bodies. The aim was to ensure that patient-identifiable information was shared only for justified purposes and that only the minimum necessary information was shared in each case.

Principles for use or flow of identifiable information

1. Justify the purpose(s) for using confidential information
2. Only use it when absolutely necessary
3. Use the minimum that is required
4. Access should be on a strict need-to-know basis
5. Everyone must understand his or her responsibilities
6. Understand and comply with the law

Caldicott Guardians

Arising from the Caldicott report and subsequent regulations Councils with Adult Social Services Responsibilities are required to appoint a Caldicott Guardian to oversee the arrangements for the use and sharing of personal information. The role includes responsibility for the Data Protection Act 1998 and the Human Rights Act 1998.