

Records and Record Keeping — People Receiving Domiciliary Care (England) Policy

Policy Statement

This policy sets out the values, principles and procedures underpinning this care service's approach to the keeping of records of people who use the services, the handling of their information, recording practices and access to records.

There are separate policies on general information governance, including for staff records, data protection and data security that comply with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

Every care service is required to have systems and methods for keeping records that comply with Regulation 17: Good Governance of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. This regulation states that the registered person must:

- maintain securely an accurate, complete and contemporaneous record in respect of each person, including a record of the care and treatment provided to the person receiving care and of decisions taken in relation to the care and treatment provided
- maintain securely such other records as are necessary to be kept in relation to:
 - persons employed in the carrying on of the regulated activity
 - the management of the regulated activity.

Principles of Record Keeping

Focus Care Link works to the following principles of good record keeping.

- Records required for the protection of people who use the services and for the effective and efficient running of Focus Care Link are maintained, are up to date and are accurate.
- People who use the services:
 - are involved wherever possible in the recording of their care and support
 - have access to their records and information about them held by the care service
 - have opportunities to help maintain their personal records.

- Individuals' records and other records that contain private, confidential personal data are kept securely, are up to date and in good order and are constructed, maintained and used in line with data protection requirements.

Record-keeping Procedures

Staff must do the following.

1. Store all files or written information of a confidential nature in a secure manner in a locked filing cabinet, which can be only accessed by staff who have a need and a right to access them.
2. Be aware that the relatives of a person receiving care do not have any automatic right of access to that person's files and would need to have their permission to see any information on that person.
3. If the person who uses the service lacks the mental capacity to give their permission, a "best interests" procedure would then need to be followed in line with the Mental Capacity Act 2005. (See also the [Access to Records \(Wales\)](#) and [Data Protection and Compliance with General Data Protection Regulation](#) policies.)
4. Do not leave files or written information of a confidential nature where they can be read by unauthorised staff or others.
5. Wherever practical or reasonable fill in all care records and daily notes in the presence of and with the co-operation of the person concerned, and make sure the records and notes are checked with them.
6. Sign and date all care records and notes on individuals, including care plans.
7. Check regularly on the accuracy of data being entered into computers.
8. Always use the passwords provided to access the computer system and not abuse them by passing them on to people who should not have them.
9. Use computer screen blanking to ensure that personal data is not left on screen when not in use.

Mobile Devices Containing Personal Data

Personal data relating to people who use the services or staff should not be kept or transported on laptops, USB sticks or similar devices, unless authorised by the care manager. Recording data on such devices should be made only where absolutely necessary:

- a. using an encrypted system — a folder should be created to store the files that need extra protection and all files created or moved to this folder should be automatically encrypted
- b. with access or theft by unauthorised people prevented by not leaving laptops or USB drives lying around.

Retention of Records

All records are kept in line with the requirements of the current legislation and guidance. Individuals' personal records that have been kept independently by the service are always kept for a minimum of three years from the date of the last entry after they leave the service or after their death.

This might entail coming to an agreement with the individual in the case of records kept in a person's home that the service will need to reclaim them at the end of service for the purposes of retention.

The person receiving care might seek to have a copy of their notes which is within their rights, and which should be arranged with checks made that the records do not contain "third party" personal data, which might breach data protection law.

Related Policies

The policy should be read and used in relation to policies on:

- [Applications for Access to a Deceased Service User's Care Records](#)
- [Confidentiality of Service Users' Information \(England\)](#)
- [Information Governance under the General Data Protection Regulation \(England\)](#)
- [Data Protection and Compliance with the General Data Protection Regulation](#)
- [Access to Records — Service Users \(England\)](#)
- [Records Kept in Domiciliary Care Service Users' Homes](#) (for home care services).

Training

All new staff receive training on Focus Care Link's approach to record keeping as part of their induction and Care Certificate training.

All staff receive up-to-date training on data protection principles, access to records procedures, confidentiality and good practice in entering information on people's records.

The nominated data controller and staff responsible for data protection and information governance receive appropriate specialised training to equip them for their respective roles and responsibilities.

All staff who use Focus Care Link's computers receive training to develop the required skills and to know how to keep electronic data safe and secure.

Management

April 2023