



PRIVACY NOTICE

Full Version

FOR:

ENQUIRERS and APPLICANTS TO FOSTER

APPROVED FOSTER CARERS and THEIR HOUSEHOLDS

INDIVIDUALS INVOLVED IN THEIR ASSESSMENT and SUPPORT

CHILDREN and YOUNG PEOPLE

BIRTH PARENTS and OTHERS ASSOCIATED WITH THE CHILD OR YOUNG PERSON

INTRODUCTION

Nexus Fostering has a responsibility under the Data Protection Act and General Data Protection Regulation (GDPR) 2018 to inform you about the personal information (data) we gather, use, store, and share about you and, in some cases, your household and people associated with you.

As well as meeting the requirements of Data Protection legislation and GDPR 2018, we also must abide by Fostering Services Regulations 2011 and National Minimum Standards for Fostering Services, which expect record-keeping and retention to be managed in certain ways.

In respect of some information we do have discretion as to how we manage it, and different agencies will have different policies.

This Privacy Notice sets out how we bring those regulations and policies together in the management and safe-keeping of your data.

The Notice is written by us as 'controller' to you, the reader, as 'data subject' and it is your personal data that we refer to, according to the relevant section for you below.

Children and Young People will be given a specific version of the Privacy Notice relating to matters for them on request.

1. ENQUIRERS (including individuals receiving an Initial Visit without subsequently applying)

Our lawful basis for processing your personal information

Article 6(1) (a) “*consent of the data subject*” applies to the relationship between Nexus Fostering and enquirers to foster:

- In enquiring to the agency, an individual consents to contact and services in pursuance of that interest

The Data Protection Act and General Data Protection Regulation (GDPR) 2018 permit us to hold and process your data, including information that is defined as ‘sensitive personal data’ under GDPR.

The information we hold

From your website or telephone enquiry we gather details of your name, date of birth and contact details; your household membership; health, employment and childcare history and financial position. At this stage, these areas may be addressed by yes/no responses and limited detail.

At an Initial Visit, these areas are expanded into a fuller report.

What we do with your information and how we might share it

Your details will form the basis of a fuller assessment if you subsequently apply. Should you not apply, no further processing will be made of your data. It will remain on our secure information and data management system until deletion.

How long we keep it for and why

We keep all enquiries to foster for 5 years from closure of the enquiry. Fostering Services Regulations 2011, Regulation 32(3), do not require us to keep enquiries but we know that enquirers often return to the idea of fostering later and previous information can help us advise you further.

Your right to access, to object, and to have your data deleted

Enquirers can request that their details be deleted from our records.

The agency has a Subject Access Request process which applies to all data we hold, irrespective of the limited extent of that information.

2. APPLICANTS TO FOSTER

and

APPROVED FOSTER CARERS and THEIR HOUSEHOLDS

Our lawful basis for processing your personal information

The Data Protection Act and General Data Protection Regulation (GDPR) 2018 permit us to hold and process your data, including information that is defined as ‘sensitive personal data’ under GDPR.

i) Article 6(1) (a) “*consent of the data subject*” applies to the relationship between Nexus Fostering and applicants to foster:

- In enquiring to the agency, an individual consents to contact and services in pursuance of that interest
- At application, individuals give signed consent to be assessed and for a series of checks to be conducted. Processing cannot commence before such consent is ascertained

As your assessment, approval and supervision as an approved carer progresses, regulatory requirements upon the agency (see below) outweigh explicit consent. As the relationship between you and Nexus Fostering continues, our legal basis for processing personal information about you is given by:

ii) Article 6(1)(c): “*processing is necessary for compliance with a legal obligation to which the controller is subject*”

As an Independent Fostering Provider, we:

- assess the suitability of applicants; approve and register foster carers; supervise, monitor and review approved foster carers, and have a safeguarding and notification duty
- are governed by Fostering Services Regulations 2011 and Amendments 2013, specifically Schedule 3 of the Fostering Services Regulations 2011 and Regulations 26-28 (approval and review). Registration terms and review are monitored under Regulation 31 ; the National Minimum Standards for Fostering Services 2011; The Children’s Act 1989 and statutory guidance Volume 4 Fostering Services, and Amendments 2014 Approval and Assessment of Foster Carers
- are inspected by a regulatory body - Ofsted
- act in partnership with the corporate parent in offering care to vulnerable children and young people placed with our agency in foster homes assessed as suitable for approval. We provide care under services commissioned by local authority Children’s Services under contracts and delegated responsibilities for exercise of their functions.
- The care of Children Looked-After (CLA) is regulated by the Children’s Act 1989 and associated statutory guidance, and the Care planning, Placement and Case Review Regulations and Guidance 2010
- We adhere to the requirements of Working Together to Safeguard Children, interagency statutory guidance

iii) We believe that (Article 6(1) (d) gives Nexus Fostering a third and complementary lawful basis for processing: “*processing is necessary in order to protect the vital interests of the data subject*” insofar as we have a duty of care to our foster carers and their households and to young people placed within them.

iv) We process data under Article 9 of GDPR as “*required for the management of social care systems and services*”.

Processing is necessary for these stated purposes; it is a targeted and proportionate way of achieving our purpose and there is no other reasonable and less intrusive way to achieve the same result. (ICO guidance on processing)

The information we hold

Nexus Fostering will only store information that is helpful in assessing and evidencing the suitability of a household’s suitability to foster, and in supporting that household to fulfil the fostering role. That includes factual information (e.g. DBS status, medical information,

accounts of your personal history confirmed by you at assessment) some of which is updated with any change or according to a schedule, and records of your professional practice and development as carers.

Information may be gathered from a number of formal sources (e.g. Local authority, medical) or from individuals. Individuals may supply informative opinion or subjective fact e.g. ex-partners, friends, adult children. These personal opinions are often thought to be given 'in confidence' but information contained within references must be considered for sharing.

Assessment and review conclusions, supervision and development plans are 'agency opinions' held as Nexus Fostering's own information on the carer, irrespective of the individual completing the document.

Information is gathered within sets of standardised formats e.g. for application, approval and review, supervision and incidents, notification etc.

The agency compiles non-identifying group data as required:

- to extract and monitor agency service quality and safeguarding activity under Fostering Services Regulations Schedules 6 and 7.
- for Ofsted in respect of populations and events across the agency on an annual basis.
- to analyse its recruitment and placement activity e.g. age profile of carers, disability (equality impact and diversity)

What we do with your information and how we might share it

For Applicants and approved foster carers:

We may share your information with:

- Any assessing social worker conducting an assessment for first approval or any updating report on behalf of Nexus Fostering
- An approving Panel for the agency
- Any agency to whom you apply later and asks us for information on your application or time with us as an approved foster carer. We can only do this with your consent, BUT if we have had safeguarding concerns about your household we do not need your consent to tell them about this.

Approved households only:

We may share your information with:

- An independent Reviewing officer conducting reviews for the agency and an Agency Decision-Maker with oversight of reviews
- Local authorities, in the course of responding to referral requests and in making a subsequent match. The agency will usually share information contained in one or all of:
 - short 'profiles' of your household
 - the Form F assessment report
 - Review reports
- Local authorities in relation to other matters such as placement for permanency and allegations, including details of:
 - Statutory checks
 - Medical reports

- DBS information
- Care concerns
- Investigators of a safeguarding concern, including LADO, police and an area local authority, irrespective of the child's placing local authority and any regulatory body investigating a complaint
- A person appointed to be your independent support during an allegation (contact details and brief overview only)
- A fostering support service, such as FosterTalk (contact details in order to enrol you in membership only)
- An Independent Review Mechanism Panel where an applicant or carer has appealed a Qualifying Determination in respect of approval
- Other fostering providers assessing the carers for approval, with written consent
- The Disclosure and Barring Service if we have reason to believe that an individual may pose a risk to children and young people by their involvement in a broad scope of child care services.
- A Court, in relation to matters before the court and as required by that court e.g. in care proceedings, parenting assessment, permanency planning
- A regulatory body such as Ofsted, conducting an inspection of our service, or a local authority conducting a quality inspection of our service and compliance in respect of children and young people from their authority, looked after by you.

How long we keep it for and why

We keep all applications to foster for 5 years from closure of the application. Fostering Services Regulations 2011, Regulation 32(3), require us to keep applications for 3 years but we know that applicants often return to the idea of fostering after a longer period than that and previous information can help in a renewed application either to us or to another agency to which you may apply.

We keep the records of all approved foster carers for 10 years from termination of approval or until retirement age if longer, as required by Fostering services Regulations 2011 Regulation 32(1) and NMS 22.7

Your right to access, to object, and to have your data deleted

Nexus Fostering works in an open and professional manner with foster carers and the main body of information held about carers is shared, or jointly held.

Nexus Fostering will facilitate access to records and information, according to the limits, permissions and constraints set out in '*Data Protection: Carer, Child and Young Person's Information*', '*Access to Information*', and the '*Data Protection and Privacy Policy*' documents of the agency.

We are happy for you to check the accuracy of our records, and to correct facts that are wrong or add your perspective where our views differ from yours on a matter of opinion. We have processes in place to help you access your records and have copies of what you need.

The agency has a Subject Access Request process and in many cases for its foster carers can address queries outside of this formal process.

Nexus Fostering respects the rights of individuals under the Data Protection Act and GDPR 2018 to object to and correct, to restrict processing of and to erase, their data. However, certain limitations to these rights may apply where other regulation overrides those rights.

Unless a detail of the record is wrong or malicious, we cannot delete the actual record of an event, or delete your file when you leave us. We are bound by the regulations that govern record retention and sharing for fostering services.

Once you have made an application to the agency, whether or not you have been approved to foster, we have a legal duty as a fostering service to retain your data (as above). If you withdraw your application or an assessment ceases, we no longer process your information but may be asked to share it with others with your consent, as above.

If you resign or retire from the agency, we have a legal duty as a fostering service to retain your data (as above). We cease to actively process your information but may be required to share it with others, as above.

Separating or separated carers

Where an approved foster carer couple separate and one adult continues to foster, the information relating to the other partner will no longer be processed although it will continue to be held as required by Fostering Regulations previously addressed.

In due course, the joint assessment report and case file will be archived. Information relating to the departing adult will only be included in a new assessment report and case file in relation to them being an ex-partner (see ex-partner section)

Any SAR or deletion request made by an ex-partner will be addressed by the agency within the scope of regulations relating to previously approved foster carers, and will be applied only to the personal information of that departing partner. Joint personal information will be dealt with on a case-by-case basis in a manner agreed by the agency and both individuals.

3. INDIVIDUALS INVOLVED IN FOSTER CARER'S ASSESSMENT and SUPPORT

Our lawful basis for processing your personal information

This area is addressed in the section above addressing the collection of information for applicants and approved foster carers.

If you object to being included in any part of the process, if it is possible to do so we immediately cease to collect, hold or process your data.

Any detailed processing of your personal information (DBS, referee reports, assessment for respite periods etc.) is made in full co-operation with you and by your consent.

The information we hold, what we do with your information and how we might share it, and how long we keep it for and why

These areas are addressed together in the paragraphs relating to specific parties below.

Personal Referees (including ex-partners)

Referee details are recorded in the foster carer's application form, as isolated written references and interview accounts on the foster carer's file, and in the master copy of the assessment Form F report held by the agency.

Details are restricted to: name, contact address, email and telephone number, and any given in a reference in writing and an agreed record of any interview.

Referee names are anonymised (first name and initial) and contact details withheld in any other copy accessed by any other party e.g. Panel members at approval, re-assessing social workers during access to an approved carer's file.

References are not transferred to other agencies should the foster carer leave Nexus Fostering; they will be seen as evidence of the robustness of the original assessment only. (Volume 4 CA 1989 Statutory Guidance Assessment and Approval of Foster Carers 2013)

Separate records for referees are not held and the individual could not be identified or traced through a search of our database as a subject in their own right for our processing in the future.

Referee information will be held according to the timescales set for retention of applicant and approved carer data, as above.

Ex-Partner details and references will be processed in the same way as other personal references with specific exceptions i.e. the narrative section of the assessment report will contain an account by the applicant of the relationship history, its ending and its current circumstances especially in relation to the parenting of, and relationships with, children of the partnership. Opinions on the impact, if any, of the fostering task on those children, their safeguarding and any relationship with the non-custodial parent will be sought.

Referee information is only collected for the purposes of assessing suitability of an applicant to foster and their household. Referee reports include some outline personal information about the referee in order to convey the context of the reference in relation to life experience and knowledge (of parenting and of the applicant) and the assessing worker comments on the weight and value to be given to the reference having considered the interview overall.

The information we hold is gathered in writing and through interview- the record of which is assigned as accurate. Both elements meet the requirements of the GDPR Principles 2, 3 and 4: gathered for a specific purpose, relevant, limited and accurate.

Personal and ex-partner references are not automatically shared with the applicant to foster. Issues and strengths identified may be raised in the assessment interviews either with the consent of the referee where they would be identified or by finding another route to the same issue.

If an applicant/carer seeks access to references, permission to share may be sought from the referee unless known circumstances would suggest that this was not a viable option or consent has been previously given. More commonly, information and opinion relating to the applicant/carer is extracted from a set of personal referee interviews will be compiled without being attributed to any one specific referee. This meets the requirements of GDPR to disclose information and opinion held about a data subject but does not attribute it and does not disclose personal information relating to the third party either. References will be shared with a high degree of caution and discretion.

Adult children

We usually interview adult children during an assessment. A separate record will be compiled and treated as other references (above)

In the main body of the reference, a brief description of your current situation and relationship with the applicants will be included, usually compiled from the detail given by the applicants. For non-resident adult children, minor personal information is retained. The description serves as evidence of the applicant's parenting and maintenance of relationships

Members of an applicant's or approved carer friendship and support network

Details of support members extend to name and ethnicity (indicated in an eco-map for the applicant/carers) and one piece of identifying information to aid recognition of the individual collecting children etc.

I.D documents seen for DBS checks are not otherwise retained; DBS outcomes are noted but certificates are not retained. Finance departments may hold bank details for the payment of respite.

Risk assessments (assorted formats) may be held in respect of respite arrangements, overnight stays and activities which include a family/friend carer network member. The more regular and formalised the support given by a non-household member, the greater the level of information stored but all information is directly in proportion to the care to be given to a young person, the relationship likely to be formed and degree of sole responsibility arising for that individual.

New partners

In proportion to the increasing depth and permanency of the new relationship, information will be gathered of increasing depth. This ranges from sufficient information to action a DBS check, to that required for a full assessment (at which point, the terms relating to applicants and approved carers applies). Consent is ascertained before each step.

For all

Our processing of data relating to non-household or non-support network members ceases once the purpose for its gathering is complete or the relationship with the foster carer ends

Your right to access, to object, and to have your data deleted

Your limited range of data will be stored in files relating to the applicant or approved foster carer and will be subject to the same retention periods relating to them, as above.

Should you wish to have details of that information, amend or request deletion, your Subject Access Request rights will be upheld and the agency will seriously consider any request insofar as it is possible to do so, on a case-by-case basis.

4. CHILDREN AND YOUNG PEOPLE

Children and young people may request their own more detailed version of this Notice

Our lawful basis for processing your personal information

Article 6(1) (d) of GDPR 2018 gives Nexus Fostering a lawful basis for processing: "*processing is necessary in order to protect the vital interests of the data subject*"

We process further 'special' data under Article 9 of GDPR as "*required for the management of social care systems and services*", relating to status and background as a Child Looked After; this may include details of their family members.

The agency is also exercising an official authority (i.e. a local authority's delegated tasks, functions, duties) laid down by law, addressed within Article 6(1)(e): "*processing is necessary ...in the exercise of official authority vested in the controller*"

The information we hold (including data originating from the local authority)

Nexus Fostering holds and processes information for the local authority relating to children and young people being referred to and in the care of its foster carers, under a contract for services.

Such information includes personal identifying information: Name; date of birth; addresses past and present; gender; ethnic origin; religion; health and sexuality/gender identification.

If a fostering household is offered for a match, and if a subsequent placement is made, an increasing level of information is received and gathered. Information may relate to:

- family history
- safeguarding and risk
- medical
- health
- psychological history and needs
- educational history and needs
- opinions by carers, staff and others, acquired through relationships with the child or young person
- progress and significant events including safeguarding issues, risks and risky behavior
- views expressed by the child or young person

What we do with your information and how we might share it

Information is gathered by the agency to be shared and integrated with the local authority's own information for care planning.

We are given information by the local authority and we share information we acquire with the local authority in order to support the Care Plan and their role as corporate parent. The local authority may share the information with your birth family.

Nexus Fostering staff and its carers exchange information and foster carers practice according to agency standards for data protection, protection of private life and confidentiality.

We share information with people who need to know because of the responsibilities they hold in relation to providing care or a service to an individual. E.g. education bodies, police and safeguarding teams, medical and psychological professionals.

We may be asked to share your information with a Court, in relation to matters before the court and as required by that court e.g. in care proceedings, parenting assessment, permanency planning.

We may be required to share your information with a regulatory body such as Ofsted, conducting an inspection of our service, or a local authority conducting a quality inspection of our service and compliance in respect of children and young people from their authority.

How long we keep it for and why

Children's Act and Care Planning Regulations require local authorities to keep your records until you are 75 years old.

Nexus Fostering has made a decision to keep to this timeline although it has no requirement to do so. We keep information in order to support an individual's search for information in the future.

Nexus Fostering ceases to process data once a placement has ended and we archive the record.

Your right to access, to object, and to have your data deleted

We will help you to find the information you need.

The agency has a formal Subject Access Request process and an informal process, applied according to the circumstance of the request.

Nexus Fostering will work with a local authority to facilitate a child or young person's access to the information they need, held by us or by the local authority..

Should you request deletion, the agency will meet that request if it is possible to do so (limitations may apply in respect of siblings, for example).

5. BIRTH PARENTS AND OTHERS ASSOCIATED WITH THE CHILD OR YOUNG PERSON

Our lawful basis for processing your personal information

Article 9 of GDPR gives us permission to hold your information as "*required for the management of social care systems and services*".

The information we hold

Nexus Fostering only acquire and store data in relation to the provision of care to a child or young person.

Information about birth parents, other family members or persons associated with the child or young person will be minimal, usually relating to the history and immediate circumstances of the child or young person prior to the care of the agency, or accruing after the placement of the child or young person in terms of contact, court processes, permanence planning and safeguarding matters.

The local authority is the main source of that information.

What we do with your information and how we might share it

No separate record will be made in the agency's systems of you as an individual; any information will be held on the child or young person's file in documents prepared for the support of and relating to the child or young person's care.

Information known to agency staff will be proportionately shared with foster carers according to the relevance for the placement. Information gathered by the agency will be shared with the local authority.

Nexus Fostering does not actively process personal data relating to the birth family or individuals associated with the child or young person.

How long we keep it for and why

Your (limited) details would be part of a child or young person's record.

The records of a referred child or young person will be retained for 12 months

The records of a placed child or young person will be retained by the agency for a period of 75 years from date of birth or 15 years from the date of death if the child dies before their 18th birthday

Your right to access, to object, and to have your data deleted

The agency has a Subject Access Request process which applies to all data we hold. Irrespective of the limited nature of that information. Should you wish to have details of your information, or request deletion, your Subject Access Request rights will be upheld and the agency will seriously consider any request insofar as it is possible to do so, on a case-by-case basis.

6. HOW WE STORE INFORMATION

Your data may be held in:

- Paper files in locked cabinets, in secure local team area office premises or archived by a secure document storage company
- 'Cloud' digital files held on a secure remote server managed by a third party supplier affirmed as compliant with GDPR.
- Files held and managed on a data management system supplied and managed by a social care systems provider, confirmed as GDPR compliant

Access to data is highly restricted according to protocols governing physical and technical security and staff conduct.

Files are specific to the foster carer household and the child/young person concerned. Personal and private information relating to one is not duplicated on the record of the other. 'Incidents in common' e.g. safeguarding events, are held on both files.

7. OUR UNDERTAKING TO YOU

- We will not sell your personal data or use it for any other purpose than for the purposes of our agency
- We will safeguard your personal information according to Data Protection legal requirements and as a matter of courtesy and respect
- We have Data Breach procedures to manage any risk that arises
- If we want to use your information in any way not covered by this Notice, we will ask you first

APPENDIX: Information we hold relating to enquirers, applicants and approved foster carer households

The following sets of information are categorised according to sensitivity, risk and nature as defined by the Information Commissioner's Office (ICO) guidance. The extent of that information will be dependent on the final status of the data subject in relation to the agency i.e. Nexus Fostering Enquirer, Applicant and Carer information.

The items may be described as required by Fostering Services Regulations 2011 (FSR or Reg), or Schedule 3/6/7 of those Regulations (Sch), or National Minimum Standards (NMS) or CA1989 Statutory Guidance Vol 4 Fostering Services

Identifying information

- Full name, address and date of birth. (Sch 3)
- Marital status (Sch 3)
- Past and present employment or occupation (Sch 3)
- N.I number
- Bank details

Sensitive, personal, private information

- Details of health (supported by a medical report) (Sch 3) and disability
- Details of current and any previous marriage, civil partnership or similar relationship.
- Religious persuasion
- Gender and sexuality; gender identification
- Racial origin, cultural and linguistic background
- Court actions for family or debt
- DBS, criminal/offending history which includes suitability information relating to children
- LA residence checks
- Details of income, debt, financial security and stability
- The outcome of any request or application made to foster or adopt children, or for registration as an early years provider or later years provider including particulars of any previous approval or refusal of approval.
- A signed narrative/chronological account of life events, responses, outcomes and learning and its relevance to the fostering task, set out by a qualified social worker practitioner and shared with the applicant/carers for comment and correction.
- Allegation/complaint, safeguarding investigations, misconduct, and outcomes (Ofsted, NMS, Regs Sch 6&7)

Low level/limited use information

- Personality (Sch 3)
- Particulars of their accommodation.
- Standard of living and leisure activities and interests.
- Previous experience (if any) of caring for their own and other children.
- Terms of approval (Reg 31)
- Development – use of Supervision and Training undertaken (NMS)
- Monitoring of practice under annual review reporting (Reg 27/28)

- Use of restraint (and discipline) (Sch 6)
- Placement ending/disruption outcomes (Ofsted)

Opinion and judgement

- Capacity to care for a child from any particular religious persuasion
- Capacity to care for a child from any particular origin or cultural or linguistic background.
- Skills, competence and potential to care effectively for a child placed with them.
- Social media 'snapshot' –annual
- *Employers' opinions (references)
- *Personal referee and family member opinions (references)
- *Ex-partner opinion/reference (Stat Guidance)
- *Other fostering services references (FSR Amendments 2013 and Vol 4 Stat Guidance approval of carers)
- Education reference form birth child's school
- *LA opinion on performance
- *C/YP opinion on performance
- *Panel opinion
- *Reviewing officer report

Information belonging to other parties not directly seeking a link with NF

- Details of current and any previous marriage, civil partnership or similar relationship.
- Particulars of any other adult members of the household.
- Particulars of the children in the family, whether or not members of the household, and any other children in the household.
- Life event/lifestyle commentary on other household members, and its relevance to fostering suitability for that household
- Details of birth child's school
- DBS, criminal/offending history (household)
- The outcome of any request or application by a household member to foster or adopt children, or for registration as an early years provider or later years provider including particulars of any previous approval or refusal of approval.
- Names and addresses of personal references for the prospective foster parent (Sch 3)
- DBS, criminal/offending history which includes suitability information relating to children for any member of his household who is aged 18 or over