

Confidentiality and Client Access to Records

General Welfare Requirement: Documentation

Providers must maintain records, policies and procedures required for the safe and efficient management of the settings and to meet the needs of the children

Policy statement Definition: 'Confidential information is information of some sensitivity, which is not already lawfully in the public domain or readily available from another public source, and which has been shared in a relationship where the person giving the information understood it would not be shared with others.' (Information Sharing: Practitioners' Guide)

In our setting, staff and committee can be said to have a 'confidential relationship' with families. It is our intention to respect the privacy of children and their parents, while ensuring that they access high quality early years care and education in our setting. We aim to ensure that all parents can share their information in the confidence that it will only be used to enhance the welfare of their children. There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of the Data Protection Act and the Human Rights Act.

EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping safe	2.1 Respecting each other 2.2 Parents as partners	3.4 The wider context	

Confidentiality procedures

- We always check whether parents regard the information they share with us to be regarded as confidential or not. Parents are informed of our confidentiality procedures within our admissions policy.
- Staff will not discuss personal information given by parent with other members of staff, except where it affects planning for the child's needs.
- Staff induction includes an awareness of the importance of confidentiality within their employment and within their role of as key person, and they are given a copy of the current policy. Staff receive a copy of all current policies. They also sign a confidentiality statement of agreement.
- Any concerns/evidence relating to a child's personal safety are kept in a secure, confidential file and are shared with as few people as possible on a "need-to-know" basis.
- Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.
- Some parents sometimes share information about themselves with other parents as well as staff; the setting cannot be held responsible if information is shared beyond those parents whom the person has 'confided' in.

- Information shared between parents in a discussion or training group is usually bound by a share agreement that the information is confidential to the group and not discussed outside of it.
- We inform parents when we need to record confidential information beyond the general personal information we keep (see our record keeping procedures) - for example with regard to any injuries, concerns or changes in relation to the child or the family, any discussions with parent/carers on sensitive matters, any records we are obliged to keep regarding action taken in respect of child protection and any contact and correspondence with external agencies in relation to their child.
- We keep all records of children and staff securely stored in our lockable filing cabinet.
- Students on Pre-school Learning Alliance or other recognised qualifications and training, together with volunteers/parent helpers, when they are observing in the pre-school, are advised of our confidentiality policy and required to respect it.
- Payment of fees will be kept confidential between the parent and the Treasurer. Any problems arising should be notified to the Chair and Pre-school leader.
- All information discussed at a committee meeting or in the instance of the Pre School Leader/ Member of staff passing information on to the Chair/Vice Chair person should remain confidential. **AT ALL TIMES.**
- All Staff, Committee Members, Students are required to read the current up to date Confidentiality Policy and sign a statement upon their appointment/placement to the pre-school/committee. A breach of this may result in disciplinary action

All the undertakings above are subject to the paramount commitment of the pre-school, which is to the safety and well being of the child. Please see also our policy on child protection.

Client access to records procedures

Parents are welcome to ask to see their own child's 'Learning Journey' at anytime.

- Parents may request access to any confidential records held on their child and family following the procedure below:
- Any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to the setting leader or manager.
- The setting leader informs the chairperson of the management committee and sends a written acknowledgement.
- The setting commits to providing access within 14 days, although this may be extended.
- The setting's leader and chairperson of the management committee prepare the file for viewing.
- All third parties are written to, stating that a request for disclosure has been received and asking for their permission to disclose to the person requesting it. Copies of these letters are retained on file.
- 'Third parties' include all family members who may be referred to in the records.
- It also includes workers from any other agency, including social services, the health authority, etc. It is usual for agencies to refuse consent to disclose, preferring the individual to go directly to them.
- When all the consents/refusals to disclose have been received these are attached to the copy of the request letter.
- A photocopy of the complete file is taken.
- The setting leader and chairperson of the management committee go through the file and remove any information which a third party has refused consent to disclose. This is best done with a thick black marker, to score through every reference to the third party and information they have added to the file.
- What remains is the information recorded by the setting, detailing the work initiated and followed by

them in relation to confidential matters. This is called the 'clean copy'.

- The 'clean copy' is photocopied for the parents who are then invited in to discuss the contents. The file should never be given straight over, but should be gone through by the setting leader, so that it can be explained.
- Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the setting or another (third party) agency.
- All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Please see also our policy on child protection.

Legal framework

- Data Protection Act 1998 Human Rights Act 1998

Ever Child Matters Change for Children 2004

Children's Act 1989, 2004

Freedom of Information Act 2000

Further guidance Information Sharing: Practitioners' Guide (HMG 2006)

www.everychildmatters.gov.uk/files/ACB1BA35C20D4C42A1FE6F9133A7C614.pdf

