

Safeguarding and Welfare Requirement: Information and Records

Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them.

1.4 Confidentiality and client access to records

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 managers can be said to have a 'confidential relationship' with families. It is our intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality early years care and education in our setting. We aim to ensure that all parents and carers 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 General Data Protection Regulation (GDPR 2018) and the Human Rights Act.

Procedures

- We always check whether parents regard the information they share with us to be treated as confidential or not.
- We have a privacy notice in place which states what personal data we hold, how we store it, what we use it for, how long we will keep the data for and how we will destroy this data. This will be given to parents when their child starts with us. We also have privacy notices for staff, students and committee members to complete. For further details about personal data we hold please refer to **Policy 10.7 Provider Records and Appendix A** which is the privacy policy for children.
- All staff, committee members, manager, students and parent helpers all read and fill in a confidentiality agreement before they begin working for or within the setting. Appendix A attached is a copy of the confidentiality form which is signed.
- 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 shared agreement that the information is confidential to the group and not discussed outside of it. No public discussions are to be held or comments on social media sites regarding the pre-school, children staff or committee business

(except appropriate use for marketing and fund raising events) or that could be constructed to have any impact on the Pre-School's reputation or that would offend any member of staff or parent using the Pre-school.

- We inform parents when we need to record confidential information beyond the general personal information we keep. Examples may include injuries, concerns or changes in relation to the child or the family, any discussions with parents on sensitive matters, any records we are obliged to keep in respect of child protection and any contact and correspondence with external agencies in relation to their child.
- We keep all records securely.

Client access to record procedures

Witchford Rackham Pre-School holds Parent Consultation Evenings in the Autumn and Summer terms. Parents are invited into our setting to discuss their child's progress and discuss any concerns they have with the child's Key Person.

Parents may request access to any other 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 manager by letter or email.

The setting manager 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 in extenuating circumstances or in the event not all parties have consented to disclose in a timely fashion. However will be within the 40 days' time period set out within GDPR (2018).

The setting's Manager 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, health services, 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 Manager 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 Manager, so that it can be explained to parents. 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. Child welfare files are confidential. Please refer to **Policy 1.1 Child Protection for information** on this and who can access these records.

Any member of staff, student or volunteer found to be posting remarks or comments that breach confidentiality or that are deemed to be of a detrimental nature to the Pre-school or other employees, or posting/publishing photographs of the setting, children or staff may face disciplinary action in line with the Pre-school's disciplinary procedures outlined in policy **2.4 Discipline and Grievance Procedure** (students will be asked to leave immediately.) Any comment deemed inappropriate is to be reported to the Chair and Manager and any action taken will be at their discretion.

Legal framework

General Data Protection Regulation 2018
Human Rights Act 1998

Further guidance

Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)

This policy was adopted at a meeting of Witchford Rackham Pre-school

Held on _____

Signed on behalf of the
Management Committee _____

Name of signatory _____

Role of signatory _____

Date to be reviewed _____

Appendix A:Confidentiality Form

Please read our confidentiality policy below.

Aim: We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare on their children.

In order to achieve this:

- Parents will have access to the files and records of their own children but will not have access to information about any other children
- Staff will not discuss individual children with anyone other than the parents of that child, except with other staff members and for the purposes of curriculum planning. Meetings with parents where sensitive information is to be discussed will be held in private.
- Staff induction includes an awareness of the importance of confidentiality and their responsibilities towards confidential information. Committee member responsibilities for the confidentiality of information is highlighted on their information sheet.
- All confidential information relating to the preschool should only be discussed at official committee or staff meetings or in a private meeting where required.
- Information given by parents to preschool staff will not be passed on to any other persons without permission. Such information will only be used for the benefit of the child.
- Issues regarding the employment of staff, whether paid or unpaid, will be kept strictly confidential by the people directly involved with making personnel decisions.
- Any concerns, evidence or issues relating to a child’s personal safety will be kept in a lockable filing cabinet and will not be shared with staff except with the individual child’s keyworker, preschool manager and the Chair of the Committee where required and agreed with the parent. **In child protection cases specifically, the designated officer will identify when it is appropriate to share information, and with whom.**
- All staff, committee members, Students, volunteers and parent helpers in preschool will be expected to respect the Confidentiality Policy and sign the declaration below.
- All instructions in this policy are to ensure the safety and wellbeing of the children attending. Our Child Protection Policy is available on our website or in paper copy on request.
- All records and personal documentation are kept in a lockable filing cabinet on the premises and in accordance with the General Data Protection Regulation 2018

I declare that I have read and understood the Confidentiality Policy above. I confirm that all information I acquire during my employment / voluntary service at Witchford Rackham Preschool shall remain confidential.

Signed.....

Print Name.....

Date.....