

SAFEGUARDING CHILDREN 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 sources, 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)

Every child has the right to privacy. This policy aims to protect the child's private, family and home life (Article 16 U.N.C.R.C.)

In our setting, staff and Leaders 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 system in place that meet the legal requirements; means of storing and sharing that information take place within the framework of the Data Protection Act and the Human Rights Act.

Confidentiality procedures

- We always check whether parents regard the information they share with us to be regarded as confidential or not.
- 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.
- 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 discussion with parents 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 securely (see our record keeping procedures).

Client access to records procedures

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.
- 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 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.

Committee members

- During their term in office a committee member may be party to confidential information concerning the children, families or group users and the group's financial business. Any information which is received as a result of their position as a committee member must remain confidential to them.
- Confidential issues must not be discussed with parents, or any other individual not connected with the organisation.
- During their term in office, they must not disclose or allow the disclosure of any confidential information (except in the proper course of their membership of the committee)

Staff, volunteers and students

- A confidentiality section should be included in all staff employment contracts.
- A confidentiality poster may be displayed on the notice board.
- Staff, volunteers and students are given details about issues of confidentiality during their staff induction.

Legal Framework

- Data Protection Act 2018
- Human Rights Act 1998

Further Guidance

- Information Sharing: Practitioners' Guide (HMG 2015)

<p>This policy was adopted on: __June 2018_____</p> <p>Date to be reviewed: ____June 2019_____</p> <p>Signed on behalf of the Committee: _____<i>Karen Richardson (Treasurer)</i>_____</p>
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Changes Made **Y/N**