



## ***Safeguarding and Welfare Requirement: Information and Records***

*Providers must maintain records and obtain and share information to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met*

### **10.6 Confidentiality and client access to records**

#### **Policy statement**

It is Pirton Pre School's 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 the 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. We have record keeping systems in place that meet legal requirements; we store and share information within the framework of the General Data Protection Regulations (2018) and the Human Rights Act (1998).

#### **Confidentiality procedures**

- Most things that happen between the family, the child and the setting are confidential to the setting. In exceptional circumstances information is shared, for example with other professionals or possibly social care or the police.
- Information shared with other agencies is done in line with our Information Sharing Policy.
- We always check whether parents regard the information they share with us to be confidential or not.
- Some parents may share information about themselves with other parents as well as with staff; we cannot be held responsible if information is shared by 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 are not responsible should that confidentiality be breached by participants.
- We inform parents when we need to record confidential information beyond the general personal information (e.g. any 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 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 Children's Records Policy and Privacy Notice).
- Most information is kept in a manual file. However, staff may use a computer to type reports, or letters. Where this is the case, any documents are stored on the password protected office computer or laptop.
- Our staff discuss children's general progress and well-being together in meetings, but more sensitive information is restricted to a 'need-to-know-basis'
- We do not discuss children with other parents or anyone else outside of the setting.
- Staff, students, volunteers and members of the Management Committee will recognise that they are party to privileged information and will agree to sign a confidentiality agreement which may be inspected at any time. Any proven breaches of that agreement will lead to disciplinary action or resignation from the Committee.
- Pirton Pre School takes a professional approach to confidentiality and the privacy of family life. Our policy is that staff do not make or accept invitation to become online friends with parents or other family carers on any social networking site. This policy also applies to all students and bank staff. The exception to this rule would be if a member of staff and a parent/carer have an existing friendship outside of their professional capacity. If this is the case, utmost professionalism is still expected.
- Facebook, Twitter and other networking sites or personal blogs are all a public form of communication – in their non work time, staff, students or helpers remain responsible for not posting anything online that breaks confidentiality about children, families or colleagues, or information that could damage the reputation of the pre-school.
- To keep staff safe, we advise that any social media pages are kept secure and can only be viewed by close friends. We also advise staff to not disclose where they work on any social media sites.
- Staff must uphold a professional relationship with parents/carers at all times regardless of any friendships formed outside of the pre school. Staff are not permitted to socialise with parents/carers outside of the setting unless they do have an established relationship with the parent/carer in which case this would have been disclosed to the Manager.

### **Client access to records**

Parents may request access to any confidential records we hold on their child and family following the procedure below:

- The parent is the 'subject' of the file in the case where a child is too young to give 'informed consent' and has a right to see information that the setting has compiled on them.
- Any request to see the child's personal file by a parent or person with parental responsibility must be authorised by the Manager or Assistant Manager.
- The manager goes through the file to ensure that all documents have been filed correctly, that entries are in date order and that there are no missing pages. A note will be made of any mention of a third party.
- We would contact those third party individuals explaining that the subject has requested sight of the file, which contains a reference to them, stating what this is. They are then required to reply in writing giving or refusing consent for disclosure.
- Copies of these letters and their replies are kept on the child's file.
- 'Third parties' include each family member noted on the file; so where there are separate entries pertaining to each parent, step parent, grandparent etc, we contact each of them to request third party consent. Third parties also include workers from any other agency, including children's social care and the health authority for example. Agencies will normally refuse consent to share information, preferring instead for the parent to be redirected to those agencies for a request to see their file held by that agency.
- Consent should also be sought from staff members but we reserve the right under the legislation to override a refusal for consent or to just delete the name of the staff member and not the information. We may grant refusal if the member of staff has provided information that could be considered 'sensitive' and the staff member may be in danger if that information is disclosed; or if that information is the basis of a police investigation.
- When we have received all the consents/refusals, the Manager will take a photocopy of the complete file. They will then blank out any references to the third party, and any information they have added to the file, using a thick marker pen if they do refuse to share any information.
- The copy file is then checked by legal advisors to verify that the file has been prepared appropriately if required
- 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'.
- We photocopy the 'clean copy' again and collate it for the parent to see.
- The Manager informs the parent that the file is now ready and invites them to make an appointment to view it.
- The manager meets with the parent to go through the file, explaining the process as well as what the content of the file records about the child and the work that has been done. Only the person(s) with parental responsibility can attend that meeting, or the parent's legal representative or interpreter.

- The parent may take a copy of the prepared file away; but, to ensure it is properly explained to and understood by the parent, we never hand it over without discussion.
- It is an offence to remove material that is controversial or to rewrite records to make them more acceptable. Our recording procedures and guidelines ensure that the material reflects an accurate and non-judgemental account of the work we have done with the family.
- If a parent feels aggrieved about any entry in the file, or the resulting outcome, then we refer the parent to our complaints procedure.
- The law requires that the information we hold must be held for a legitimate reason and must be accurate. If a parent says that the information we hold is inaccurate, then the parent has a right to request for it to be changed. However, this only pertains to factual inaccuracies. Where the disputed entry is a matter of opinion, professional judgement, or represents a different view of the matter than that held by the parent, we retain the right not to change that entry, but we can record the parent's view of the matter. In most cases, we would have given a parent the opportunity at the time to state their side of the matter, and it would have been recorded there and then.
- If there are any controversial aspects of the content of a child's file, we must seek legal advice. This might be where there is a court case between parents, where social care or the police may be considering legal action, or where a case has already completed and an appeal process is underway.
- We never 'under-record' for fear of the parent seeing, nor do we make 'personal notes' elsewhere.

The procedure above relates to personal, confidential, sensitive information. We have an open door policy and encourage parents to discuss any matters as they arise or ask to make a longer appointment to discuss any aspect of their child's time with us. Learning journeys are electronic and all parents are encouraged to activate their account and then this can viewed at any time. The security of their account is the responsibility of the parent.

Telephone advice regarding general queries may be made to The Information Commissioner's Office Helpline 0303 123 1113.

### **Legal framework**

- Human Rights Act (1998)
- General Data Protection Regulations (GDPR) (2018)

***This policy was adopted at a meeting of Pirton Pre-School Committee.***

Held on (date)

Signed on behalf of the Management  
Committee / Proprietor

Role of signatory (e.g. chairperson)