

**General Welfare Requirement: Safeguarding and Promoting Children’s Welfare**

The provider must take necessary steps to safeguard and promote the welfare of children.



**KEEPING CHILDREN SAFE**

# Confidentiality and Parent’s Access to Records

**Policy statement**

*‘Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is a good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case.’*

**Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (HMG 2015).**

Confidential information is information that is not normally in the public domain or readily available from another source, it may have a degree of sensitivity and be subject to a duty of confidence. A duty of confidence arises when one person provides information to another in circumstances where it is reasonable to expect that the information will be held in confidence.

In our setting, all staff 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 current legal requirements; the means that we use to store and share that information takes place within the framework of the General Data Protection Regulations (2018) and the Human Rights Act (1998).

**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 confidential or not.

- Written information provided by parents such as information on our registration forms shall be kept confidential, only being accessed by staff for the purpose of fulfilling their roles within the setting. Written information is kept in a filing cabinet which is locked overnight. If however we need to share this information such as information on a child's additional needs, we will speak to the parents to seek their permission to share.
- This information will be kept confidential unless a child is at risk of being harmed, or is being harmed, in which case we will inform the parent that we will have to share the information with another professional body.
- Some parents sometimes share information about themselves with other parents (as well as staff), in this instance the setting cannot be held responsible if this information becomes public via another parent. .
- 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 Children's Records Policy and Privacy Notice) – for example with regard to 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/ correspondence with external agencies in relation to their child.
- We keep an incident book where we record information about children so that we can look for trends and support children. Such entries could include; a child who is biting others, a child who is always tired, a child whose parent often picks them up late, a child with a mark on their body (this list is not exhaustive). We also document conversations we have had with parents. This information is only shared with those that need to know such as the child's key person. However if we are concerned that a child is being harmed or at risk of being harmed we will share this information with Children's Services. Usually we will speak to the parent first to voice our concerns and advise that we will contact Children's Services. However if we feel that a child may be put at greater risk by speaking to the parent, we will contact Children's Services without first seeking the permission of the parent to share information.
- Most things that happen between the family, the child and the setting are confidential to our 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.
- We keep all records securely (see our Children's Records Policy and Privacy Notice).
- Information is kept in a manual file which is kept in a locked filing cabinet, or on password protected PCs. Our staff may also use a computer to type reports, or letters. These documents are stored on a password protected hard drive and deleted when the child leaves the setting, unless they relate to a safeguarding incident or accident. Only a few senior staff members have access to the PCs.
- our manager and the child's key person, and is shared with other staff on a need to know basis.]

- We do not discuss children with staff who are not involved in the child's care, nor with other parents or anyone else outside of the setting.
- Our discussions with other professionals take place within a professional framework and not on an informal or ad-hoc basis.
- Where third parties share information about an individual us; our managers check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.

- **Client access to records procedures**

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

- If the parent is the 'subject' of the file in the case where a child is too young to give 'informed consent', they have a right to see information that our setting has compiled on them.
- Any request to see the child's personal record such as written recordings in our incident book or child protection notes must be made in writing to the manager.
- The manager sends a written acknowledgement of the request to access information.
- Our written acknowledgement allows one month for the file to be made ready and available. We will be able to extend this by a further 2 months where requests are complex and numerous. If this is the case, we will inform parents within one month of receipt of the request, and explain why the extension is necessary.
- The manager will go through the file and ensures that all documents have been filed correctly, that entries are in date order and that there are no missing pages. They will note any information, entry or correspondence or other document which mentions a third party.
- 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 children's services, the health authority, etc. It is usual for agencies to refuse consent to disclose, preferring the individual to go directly to them.
- Members of our staff should also be written to, but we reserve the right under legislation to override a refusal to 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. However, if the information is not sensitive, then it is not in our interest to withhold that information from a parent. In each case this should be discussed with members of staff and decisions recorded.
- 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 manager will 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 manager, so that it can be explained.
- 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 had it over without discussion.
- It is an offense 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 (see our Privacy Notice). If a parent says that the information that we hold is inaccurate, then the parent has the right to request 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 contents 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.
- 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.

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

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 policies; Safeguarding and Information Sharing.

## Legal framework

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

This Policy was reviewed by	Liz Burnett – Office Manager
Adopted by	Rotherfield Village Pre-School – staff and directors
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