**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.

**THORNGUMBALD PRESCHOOL**

**10.9 confidentiality and client access to records**

**Policy statement**

Confidential information is information that is not normally in the public domain or readily available from another source. It should have a degree of sensitivity and value 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 Key staff and Manager 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 shared with relevant agencies to enhance the welfare of their children, and with their consent. There are record keep systems in place that meet legal requirements – the means we use to store and share that information takes place within the framework of the Data Protections Act (1998) and the Human Rights Act (1998).

**Confidentiality procedures**

* We always check whether parents regard the information they share with us to be confidential or not. A suitable venue can be arranged if required with a witness or chaperone present.
* Some parents may 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.
* Any information gained regarding a family at preschool must not be disclosed to any other person outside the preschool. “School Playground” gossip will not be tolerated and will result in disciplinary action.
* 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) – for example with regard to any injuries, concerns or changes in the relation to the child or the family, any discussions with parents of a sensitive nature, 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 children.
* We keep all records securely (see our Children’s records policy).

**Client access to records and procedures**

Parents may request access to any confidential records held on their child and family at any time (within reason), unless there is a Safeguarding issue, if so, the following procedure will be followed.

* Any request to see the child’s personal file by a parent or person with parental responsibility must be made in writing to the manager.
* The manager informs the committee and sends a written acknowledgment.
* The setting commits to providing access within 14 days, although this may be extended.
* The manager and chair 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 children’s social care, 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 latter.
* A photocopy of the complete file is taken.
* The manager and the chair go through the file and remove any information which a third party has refused consent to disclose. A thick black marker is used 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 parent, 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.
* Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation action against the setting or other (third party) agency.

All undertakings 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 Safeguarding Children and Child Protection.

**Legal framework**

* Data Protection Act (1998)
* Human Rights Act (1998)

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