



St Christophers Playgroup

1.4 Confidentiality and Client Access to Records

Policy statement

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. We have record keeping systems in place that meet 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).

1. Confidentiality procedures

- 1.1 We always check whether parents regard the information they share with us to be regarded as confidential or not.
- 1.2 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.
- 1.3 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 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.
- 1.4 Information is kept in a manual file or electronically. Our staff may also use a computer or tablet to type reports, letters and observations.
- 1.5 We enlist the services of the system 'Tapestry' to record data relating to childrens development. This is only accessible by the childs key person, manager and approved family members. The system is encrypted and only people with authorised access can review the information held. (This is in line with our tapestry policy).

- 1.6 Our staff discuss children's general progress and well-being together in meetings, but more sensitive information is restricted to our manager and the child's key person and is shared with other staff on a need to know basis
- 1.7 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.
- 1.8 Our discussions with other professionals take place within a professional framework and not on an informal or ad-hoc basis.
- 1.9 Where third parties share information about an individual, our practitioners and managers check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns

2. Client access to records procedures (this excludes children's Tapestry, which parents have access to at any time.)

- 2.1 Parents may request access to any confidential records held on their child and family following the procedure below:
 - 2.1.1 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 our setting has compiled on them
 - 2.1.2 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 or manager.
 - 2.1.3 We acknowledge the request in writing, informing the parent that an arrangement will be made for him/her to see the file contents, subject to third party consent.
 - 2.1.4 The setting commits to providing access within 14 days, although this may be extended.
 - 2.1.5 A fee may be charged for repeated requests, or where a request requires excessive administration to fulfil
 - 2.1.6 Our manager informs the chairperson of the management committee and legal advice may be sought before sharing a file.
 - 2.1.7 Our manager goes through the file with the chairperson of the management committee and ensures that all documents have been filed correctly, that entries are in date order and that there are no missing pages. They note any information, entry or correspondence or other document which mentions a third party.
 - 2.1.8 We write to each of those individuals explaining that the subject has requested sight of the file, which contains a reference to them, stating what this is.
 - 2.1.9 They are asked to reply in writing to our manager giving or refusing consent for disclosure of that material
 - 2.1.10 We keep copies of these letters and their replies on the child's file
 - 2.1.11 '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 write to each of them to request third party consent.
 - 2.1.12 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
 - 2.1.13 Members of our staff should also be written to, 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.

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.

- 2.1.14** When we have received all the consents/refusals our manager takes a photocopy of the complete file. On the copy of the file, our manager and chairperson of the management committee removes any information that a third party has refused consent for us to disclose and blank out any references to the third party, and any information they have added to the file, using a thick marker pen.
- 2.1.15** The copy file is then checked by the manager and chairperson of the management committee and legal advisors to verify that the file has been prepared appropriately.
- 2.1.16** 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'
- 2.1.17** The 'clean copy' is then checked to verify the file has been prepared appropriately and is then photocopied for the parents who are then invited to make an appointment to discuss the contents. The file should never be given straight over but should be gone through with the Manager and chairperson of the management committee, so it can be explained.
- 2.1.18** Only the person(s) with parental responsibility can attend that meeting, or the parent's legal representative or interpreter.
- 2.1.19** It is an offence to remove material that is controversial or to rewrite records to make them seem more 'acceptable'. Our recording procedures and guidelines ensure the material reflects an accurate and non-judgemental account of the work we have done with the family.
- 2.1.20** If a parent feels aggrieved about any entry in the file, or the resulting outcome, then we refer the parent to our complaints procedure.
- 2.1.21** The law requires that the information we hold must be accurate. If a parent says the information we hold is inaccurate, then the parent has the 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 to not change that entry, but we can record the parents view of the matter. In most cases, we would have given the parent the opportunity at the time to state their side of the matter, and it would have been recorded at the moment.
- 2.1.22** If there are any controversial aspects of the contents of the child's file, we must seek legal advice. This might be when there is a court case between parents, where the Children, Young People's and Families Department or the Police may be considering legal action, or where a case has already completed and an appeal case is underway.
- 2.1.23** We never 'under-record' for fear of the parent seeing, nor do we make 'personal notes' elsewhere.

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 policy on child protection.

Legal framework

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

Further guidance

Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (2018)

This policy was adopted at a meeting of	_____	name of setting
Held on	_____	(date)
Date to be reviewed	_____	(date)
Signed on behalf of the management committee	_____	
Name of signatory	_____	
Role of signatory (e.g. chair)	_____	