

Safeguarding Children

Confidentiality and Client access to records

Safeguarding and Welfare Requirement: Information and records:

Providers must maintain records and obtain and share information (with parents and carers, other professionals working with the child, and the police, social services and Ofsted as appropriate) to ensure the safe and efficient management of the setting, and to help ensure the needs of all children are met.

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 source, 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.

'Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis 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 2018)

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. There are record keeping systems in place that meet legal requirements; means of storing and sharing that information take place within the framework of the General Data Protection Regulations (2018) and the Human Rights Act (1998).

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 with other agencies is done in line with our Information Sharing - Policy.
- Information shared between parents in a discussion or training group is 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 and Privacy Policy) - 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.
- We keep all records securely (see our record keeping procedures and Privacy policy).
- 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.

Client access to records procedures

Parents may access progress records via the online learning journey 'Tapestry', any other confidential records held on their child and family can be accessed 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 owner/manager.
- The setting commits to providing access within 28 working days, although this may be extended by a further 52 working days where requests are complex or numerous. If this is the case, we will inform you within one month of the request. A fee may be charged.
- The setting's owner/manager prepares 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 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.
- The setting owner/manager will 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 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.
- 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 Safeguarding and 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 (HM Government - July 2018)

This policy is reviewed annually, or as deemed necessary.

Policy adopted.....(date)

Signed.....