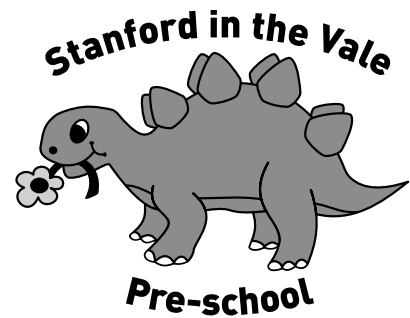


Hunters Field
Stanford in the Vale
Faringdon
Oxfordshire SN7 8LX



1.1.2 - CONFIDENTIALITY POLICY AND CLIENT ACCESS TO RECORDS

Revised May 2020

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 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)

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; this means that the system 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).

Confidentiality procedures

- 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.
- Some parents may share information about themselves with other parents as well as with our 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 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 and correspondence with external agencies in relation to their child.
- We keep all records securely (see our Children's Records Policy **and Privacy Notice**).
- Information is kept in a manual file, **or electronically**. Our staff may **also** use a computer to type reports, or letters. Where this is the case, the typed document is deleted from the PC and only the hard copy kept.
- Where it is helpful to keep an electronic copy, we download it onto a disc, labelled with the child's name and kept securely in the child's file.
- 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.
- 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 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.

Definition: '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.'
(Information Sharing: Guidance for Practitioners and Managers, DCSF 2008)

Statement of intent

It is the intention of Stanford Preschool to respect the privacy of children, their parents and carers and our staff, whilst ensuring a high quality of early years care and education is accessible in our setting. In our setting, staff and managers can be said to have a 'confidential relationship' with families. 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 Data Protection Act (1998) and the Human Rights Act (1998).

Aim

Stanford Pre-school aims 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.

Legal framework

Data Protection Act (1998)

Human Rights Act (1998)

Methods

To ensure that all those using and working in Stanford Preschool can do so with confidence, we respect confidentiality in the following ways:

- We always view information given by parents to be confidential.
- Parents may 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 between parents in a discussion within a committee meeting or training group is bound by a shared agreement that the information is confidential to the group and not discussed outside of it. All members of the committee sign a confidentiality agreement.
- Parents are aware through our Policies when we need to record confidential information beyond the general personal information we keep (see our Record Keeping 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, or any action taken in respect of child protection and any contact and correspondence with external agencies in relation to their child. If in exceptional circumstances information is shared, for example with other professionals or possibly social care or the police, it is shared in line with our Information Sharing Policy
- We keep all records, including disclosure information securely (see our Record Keeping Policy).
- Staff shall not discuss any information about another child with a parent.
- Parents have ready access to their child's 'All About Me' book and to their 'learning journey' which is now open at all times throughout the year.. Parents do not have access to information about any other child (see our Record Keeping Policy).
- Staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs or where deemed necessary.
- Staff induction includes an awareness of the importance of confidentiality in the role of the key person.
- Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.
- Students on Pre-school Learning Alliance or other recognised qualifications and training, when they are observing in Stanford Pre-school, are advised of our confidentiality policy and required to respect it.
- Staff and Committee should be made aware that any information placed into the public domain, for example through Facebook, may be used by Stanford Pre-school when taking formal action and may result in dismissal or removal from the Committee.
- Parents are informed of our Confidentiality Policy and our Information Sharing Policy at the time of their child's enrolment.

Disclosure Records during the Recruitment Process

Disclosure information should be kept securely, in lockable storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties. As part of our recruitment process, once a recruitment decision has been made we only keep any disclosure information on applicants for a period of up to 6 months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than 6 months, we will consult the DBS about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail. Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, e.g. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

Client Access To Records

We keep a set of confidential records concerning child welfare issues (see our Record Keeping Policy) that is accessible to staff and the Chairperson only. We will inform the parents if we need to share any of these records with outside agencies if the Child Protection Officer or the Chairperson feels this is appropriate. Parents can only access a copy of their own child's record with a written request.

- 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.
- The setting leader informs the chairperson of the management committee and sends a written acknowledgement.
- The setting commits to providing access within 14 days, although this may be extended.
- The setting's leader or manager and chairperson of the management committee 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 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.
- A photocopy of the complete file is taken.
- The setting leader and chairperson of the management committee 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 setting leader, 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 Stanford Pre-school, which is to the safety and well being of the child. Please also refer to our Safeguarding Children (Child Protection) Policy, our Record Keeping Policy and our Information Sharing Policy.

This policy was adopted at a meeting of Stanford in the Vale Pre-school Committee

Held on _____ (date)

Date to be reviewed _____ (date)

Signed on behalf of the management committee _____

Name of signatory _____

Role of signatory (e.g. chair/owner) _____