



Confidentiality and Client Access to Records Policy

Purpose:

Definition of confidentiality: *'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 that it would not be shared with others.'* (Information sharing: Practitioners guide)

At Little Rays, staff and managers can be said to have a 'confidential relationship' with families. It is our intention to respect the privacy of Children, 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 the legal requirements; means of storing and sharing information that take place within the framework of the data protection act, General Data Protection Regulation and the Human Rights Act.

Confidentiality Procedures:

- Staff should 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 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 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.
- If staff breach confidentiality it will result in disciplinary action.
- We keep all records securely (see our record keeping procedures)
- All staff sign a confidentiality agreement on induction.



Client access to records Procedures

Parents may request access to any confidential records held on their child and family 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 manager.
- The manager sends a written acknowledgement.
- The setting commits to providing access within 30 days.
- The 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.
- We keep copies of these letters and their replies on the child's file.
- 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 manager goes through the file and removes 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.
- If a parent feels aggrieved about any entry in the file, or resulting outcome, then we refer the parent to our complaints procedure.
- Legal advice may be sought before sharing a file, especially when 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 to the setting, which is to the safety and well-being of the child. Please see also our policy on Child Protection.

Legal Framework

- Data protection Act 1998
- GDPR Regs 2018
- General Data Protection Regulation (EU) 2016/679
- Human Rights Act 1998

Further guidance



- *Information Sharing Practitioners' guide (HMG 2006)*

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