

# **Confidentiality policy**

## **Statement of intent**

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.

## **Aim**

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 meet the requirements of the Human Rights Act 1998 with regard to protecting the individual's rights to a private and family life, home and correspondence. Our only justification to interfering with this right is where we believe that a child may be at risk of significant harm, to prevent a crime or disorder.

We meet the requirements of the Data Protection Act 1998 with regard to the information we gather from or about families, how we gather it, store it and use it. Our procedures enable us to meet these requirements.

We have regard to the Common Law Duty of Confidentiality and only share information with other professionals or agencies on a 'need to know' basis, with consent from parents, or without their consent in specified circumstances to do with safeguarding children.

## *Personal records*

- These include registration and admission forms, signed consents, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an ongoing record of relevant contact with parents, and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters, incident and accident logs, care plans, behaviour plans etc
- These confidential records are stored in a lockable file or cabinet and are kept secure by the person in charge in an office or other suitably safe place
- Parents have access, in accordance with the *access to records procedure*, to the files and records of their own children but do not have access to information about any other child
- Staff will not discuss personal information given by parents with other members of staff, except where it affects planning for the child's needs. Staff induction includes an awareness of the importance of confidentiality in the role of the key person.

## **Information Sharing**

There are times when we are required to share information about a child or their family. These are when:

- there are concerns a child is or may be suffering significant harm
- the 'reasonable cause to believe' a child is or may be suffering significant harm is not clear
- there are concerns about 'serious harm to adults' (such as domestic violence or other matters affecting the welfare of parents).

We explain to families about our duty to share information for the above reasons.

Where we have concerns, we would normally gain consent from families to share. This does not have to be in writing, but we record in the child's file that we have gained verbal consent as a result of discussing a concern that we need to refer to a social care agency.

We do not seek consent from parents to share information where we believe that a child, or sometimes a vulnerable adult, may be endangered by seeking to gain consent. For example where we have cause to believe a parent may try to cover up abuse, or threaten a child.

Where we take a decision to share information without consent that is recorded in the child's file and the reason clearly stated.

Where evidence to support our concerns are not clear we may seek advice from our local social care agency or the NSPCC.

We only share relevant information that is accurate, factual, non-judgemental and up to date.

### **Other records**

Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.

When Students on recognised qualifications and training, are observing in the setting, they are advised of our confidentiality policy and required to respect it.

### **Access to personal records**

Parents may request access to any 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 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. A copy of these letters are retained on the 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 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 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 the setting, which is to the safety and well-being of the child. Please see also our policy on safeguarding children and child protection.

This policy was adopted at a meeting of Burrowmoor Out of School Club  
Held on (date) \_\_\_\_\_  
Signed on behalf of the Management Committee/Proprietor \_\_\_\_\_  
Role of signatory (e.g. chairperson etc.) \_\_\_\_\_  
This policy was reviewed on \_\_\_\_\_ (date)  
*continue as necessary* \_\_\_\_\_ (date)