

## **Confidentiality and Client Access to Record Policy**

### Safeguarding Children

#### Policy statement

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.

In our Charity, members of staff, volunteers and Trustees 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 Data Protection Act (2018) and the Human Rights Act (1998).

### **1. Confidentiality procedures**

- Staff should always check whether parents, students and volunteers regard the information shared with us to be regarded as confidential or not.
- Some parents, students and volunteers sometimes share information about themselves with other parents as well as staff; the Charity cannot be held responsible if information is shared beyond those individuals whom the person has 'confided' in.
- Information shared between parents or students 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 - 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 aim to keep all records confidential.

## **2. 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 setting manager.
- The Charity commits to providing access within 14 days, although this may be extended in extenuating circumstances by a further period of 14 days.
- There will be a charge of £10.00 to cover the costs of photocopying.
- The setting manager/member of the senior leadership team will 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 record also includes workers from any other agency, including social services or the health authority. 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.
- A member of the senior leadership team will 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 child protection.

### 3. Legal framework

- Data Protection Act 2018
- The **General Data Protection Regulation (GDPR)** (Regulation (EU) 2016/679) is a regulation by which the European Parliament, the Council of the European Union, and the European Commission intend to strengthen and unify data protection for all individuals within the European Union (EU). It also addresses the export of personal data outside the EU.
- The GDPR aims primarily to give control back to citizens and residents over their personal data and to simplify the regulatory environment for international business by unifying the regulation within the EU.<sup>[1]</sup> When the GDPR takes effect, it will replace the 1995 Data Protection Directive (Directive 95/46/EC).
- Human Rights Act 1998

Further guidance: Information Sharing, Guidance for Practitioners and Managers (DCSF, 2008)

Policy Name	Confidentiality and Client Access to Record Policy
Version Number	V2
This policy was developed by	Governance and Accountability Sub Group
These people were consulted/ involved in developing the policy	Senior Leadership Team Safeguarding Team

This Policy was adopted by	Trustee Board
Date	March 2018
Signed	
Name	James Wragg
Role	Chairperson
Next Review Date	March 2019