

10.6 Confidentiality and Client Access to Records

Safeguarding and Welfare Requirement: Information and Records

Confidential information and records about staff and children must be held securely and only accessible and available to those who have a right or professional need to see them.

10.6.1 Policy statement

'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)

At Purley Pre-School, 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; the means we use to store and share that information takes place within the framework of the Data Protection Act (1998) and the Human Rights Act (1998).

10.6.2 Confidentiality procedures

- 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 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 (ref. Section 10.3 Children's Records) - 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 (ref. Section 10.3 Children's Records).

10.6 Confidentiality and Client Access to Records

10.6.3 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 leader or Supervisor
- The setting leader informs the management team and sends a written acknowledgement.
- The setting commits to providing access within 14 days, although this may be extended.
- The setting's leader and chair 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.
 - 'Third parties' also includes workers from any other agency, including children's 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 chair, 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 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.

10.6.4 Records/Information kept off the premises

It is recognised that due to the nature of the setting (ie shared memorial hall) and to ensure the smooth running of the Pre-School, it is necessary to keep certain confidential records at the home of members of staff and some committee members. Permission to do this has been obtained from Ofsted.

Documentation may include:-

1. Membership records and registration forms
2. Register of names and funding information.
3. Contact details of Parents/carers

10.6 Confidentiality and Client Access to Records

Records mainly stored on premises but which may be required to be taken home by the supervisor or deputy supervisor to do general admin work and with regard to planning/monitoring and assessment.

4. Registration records
5. Funding information
6. Staff Training records/staff personal details/Appraisals/Supervision.
7. Accident book
8. Individual trackers/cohort trackers/next steps/SAPP's.

Records which may be required to be taken home by key persons for preparation

9. Learning Profiles

Written parental permission will be obtained in advance, in order for key persons to prepare at home learning profiles of key children,. These profiles will contain observations and images of the children's activities made during sessions.

Personal records of children are not available to committee members. Staff and other professionals have access to children's records as necessary and with the permission of parents.

Staff are regularly reminded of the importance of confidentiality at meetings and informal discussion.

Staff and necessary others (eg chair/treasurer/secretary) will sign a declaration, that they understand the importance of confidentiality and of the necessary security procedures. These must be followed if records are taken off the setting premises.

A breach of confidentiality is a breach of trust and will be considered a disciplinary matter, which may lead to the member of staff being asked to leave the Pre-School or if a member of the committee, being asked to step down from their post.

We will make a list of records that specified staff/committee positions are allowed to keep at home or take home to work on.

The following procedures will be followed:

- All records must be stored securely in closed cupboards/closed drawers and in rooms which do not have general through traffic and availability to visitors. If possible they should be placed in a lockable cupboard.
- Records are only taken out when they are being worked on and put securely away once the work is finished.
- Records must not be left out on display.
- Records are kept in folders, not carried as loose leaves.
- Home premises to be locked securely when staff /committee member is away from premises.
- Records not to be kept where they may be easily accessed through outside doors and windows (eg. By the front door).

Purley Pre-School Policies & Procedures

INFORMATION AND RECORDS

10.6 Confidentiality and Client Access to Records

- Copies of records (where appropriate) are to be kept and stored at the setting.
- Work is not to be done amidst other people living or visiting the home premises.
- Records will be maintained/updated in areas that have no through traffic and, to the best of staff's ability, cannot be overlooked. Staff will cover up records should other persons become present.
- To keep a child's identity private, where appropriate, only initials will be used.
- Records will not be left on view.
- If a staff or committee member is sick or leaves without returning the records another member of staff will go and collect the records from the person's home premises.

On transporting documents: In case of and to prevent loss and accidental viewing:

- Records are not to be taken on public transport
- Records are not to be worked with on public transport where they may be easily viewed by other passengers
- Records are not to be left in the car but taken into the setting/home premises immediately and stored securely straight away.
- Records should be in kept in a bag and out of sight of passers-by. (eg in locked boot of car).

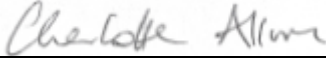
All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child. Refer also to our policy on Safeguarding Children and Child Protection (ref Section 1.2)

Legal Framework

- Data Protection Act (1998)
- Human Rights Act (1998)

Further guidance

- Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)

This policy was adopted at a meeting of	<u>Purley Pre-School Committee</u>
Held on	<u>10th Feb 2015</u> (date)
Date to be reviewed	<u>10th Feb 2017</u> (date)
Signed on behalf of the provider	<u></u>
Name of signatory	<u>Charlotte Allum</u>
Role of signatory (e.g. chair, director or owner)	<u>Chair, Purley Pre-School</u>