

Acorn Pre-school and the Mighty Oaks Clubs, Shefford

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.

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 Acorn, we have a relationship with our families which is based on confidentiality. 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. 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 we use, store and share information within the framework of the Data Protection Act (1998) and the Human Rights Act (1998).

Confidentiality procedures

- Most things that happen between the family, the child and Acorn are confidential. 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 policies and procedures and *Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)*
- 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 - 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 secure in a locked filing cabinet in the office.
- Most information is kept in a file. However, we may 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. We do not keep electronic records on children, other than the register and financial data.
- Our staff discuss children's general progress and well-being together in meetings, but more sensitive information is restricted to the 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 Acorn.
- 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; we check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.

Client access to records procedures

Parents may request access to any confidential records we hold on their child and family following the procedure below:

- The parent is the 'subject' of the file in the case where a child is too young to give 'informed consent' and has a right to see information that we have compiled on them.
- 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.
- We acknowledge the request in writing, informing the parent that an arrangement will be made for them to see the file contents, subject to third party consent, if required.

If third party consent is required, then the following steps will be taken:

- Our written acknowledgement allows 40 working days for the file to be made ready.
- The manager informs the chair person and legal advice may be sought before sharing a file.
- The manager goes through the file to ensure that all documents have been filed correctly, that entries are in date order and that there are no missing pages. They note any information, entry or correspondence or other document which mentions a third party.
- We write to each of those individuals explaining that the subject has requested sight of the file, which contains a reference to them, stating what this is.
- They are asked to reply in writing to our manager giving or refusing consent for disclosure of that material.
- We keep copies of these letters and their replies on the child's file.
- 'Third parties' include each family member noted on the file; so where there are separate entries pertaining to each parent, step parent, grandparent etc, we write to each of them to request third party consent.
- Third parties also include workers from any other agency, including children's social care and the health authority for example. Agencies will normally refuse consent to share information, preferring instead for the parent to be redirected to those agencies for a request to see their file held by that agency.
- Members of our staff should also be written to, but we reserve the right under the legislation to override a refusal for consent or to just delete the name of the staff member and not the information. We may grant refusal if the member of staff has

provided information that could be considered 'sensitive' and the staff member may be in danger if that information is disclosed; or if that information is the basis of a police investigation. However, if the information is not sensitive, then it is not in our interest to withhold that information from a parent. In each case this should be discussed with members of staff and decisions recorded.

- When we have received all the consents/refusals, the manager photocopies the complete file. On the copy of the file, the manager removes any information that a third party has refused consent for us to disclose and blank out any references to the third party, and any information they have added to the file, using a thick marker pen.
- The copy file is then checked by the chair person and legal advisors to verify that the file has been prepared appropriately.
- What remains is the information recorded by Acorn, detailing the work initiated and followed by them in relation to confidential matters. This is called the 'clean copy'.
- We photocopy the 'clean copy' again and collate it for the parent to see.
- Our manager informs the parent that the file is now ready and invite[s] him/ her to make an appointment to view it.
- Our manager and the chair person meet with the parent to go through the file, explaining the process as well as what the content of the file records about the child and the work that has been done. Only the person(s) with parental responsibility can attend that meeting, or the parent's legal representative or interpreter.
- The parent may take a copy of the prepared file away; but, to ensure it is properly explained to and understood by the parent, we never hand it over without discussion.
- A fee may be charged to the parent, to prepare the copy file, dependent on circumstances.
- It is an offence to remove material that is controversial or to rewrite records to make them more acceptable. Our recording procedures and guidelines ensure that the material reflects an accurate and non-judgemental account of the work we have done with the family.
- If a parent feels aggrieved about any entry in the file, or the resulting outcome, then we refer the parent to our complaints procedure.
- The law requires that the information we hold must be accurate. If a parent says that the information we hold is inaccurate, then the parent has a right to request for it to be changed. However, this only pertains to factual inaccuracies. Where the disputed entry is a matter of opinion, professional judgement, or represents a different view of the matter than that held by the parent, we retain the right not to change that entry, but we can record the parent's view of the matter. In most cases, we would have given a parent the opportunity at the time to state their side of the matter, and it would have been recorded there and then.
- If there are any controversial aspects of the content of a child's file, we must seek legal advice. This might be where there is a court case between parents, where social care or the police may be considering legal action, or where a case has already completed and an appeal process is underway.
- We never 'under-record' for fear of the parent seeing, nor do we make 'personal notes' elsewhere.

Telephone advice regarding general queries may be made to The Information Commissioner's Office Helpline 0303 123 1113.

All the undertakings above are subject to the paramount commitment of Acorn, which is to the safety and well-being of the child. Please see also our policy on Safeguarding Children and Child Protection.

Legal framework

- Data Protection Act (1998)
- Human Rights Act (1998)
- Freedom of Information Act (2000)

Further guidance

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

Retention of records info to be added

This policy gained staff consent on

This policy was the subject of parent consultation between _____ And

This policy was adopted at a minuted full meeting of the Committee held on

Confirmed on behalf of Acorn Pre-school and the Mighty Oaks Clubs

Signature

Position Date

Safeguarding and Welfare Requirements: States that providers must take all necessary steps to keep children safe and well, including maintaining records. **check**

Aim of policy

It is our intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality care and education. An employee/volunteer, may in the course of their duties, gain knowledge of, or have access to, personal information

relating to children and families and/or other members of staff. It is a condition of employment that expects that all staff/volunteers understand the importance of respecting this information in a discreet and confidential manner.

EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping safe	2.1 Respecting each other 2.2 Parents as partners	3.4 The wider context	

In order to achieve this:

- Parents have ready access 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 or the safety of the child or its needs.
- Staff induction includes an awareness of the importance of confidentiality in the role of the key person.
- If staff talk to parents about any causes for concern, e.g. unsociable behaviour, this should be done out of hearing of the child in question, other children and their parents/carers.
- Any concerns/evidence relating to a child's personal safety are kept in a secure filing cabinet and are shared with as few people as possible, on a "need-to-know" basis.
- Personal information about children, families and staff is kept securely in a lockable filing cabinet, in the office, whilst remaining as accessible as possible.
- Medical information held on file may be made available to the General Practitioner or Hospital Doctor in the case of an emergency.
- If telephone requests are made for information the recipient should take the name, telephone number and agency and make a return call with such information as may be given, subject to this or any other relevant procedural note.
- When a written request is made for personal files we will take into account data protection rules when disclosing records that refer to third parties.
- In certain circumstances, where a child is considered to be at risk, information may be passed to the relevant authorities without parental consent.
- 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 recognised qualifications and training, when they are observing in the setting, are asked to sign our confidentiality form.
- Written material about children and families should be maintained for 7 years and then should be shredded before disposal.
- Any breach of confidentiality could have serious consequences for the person concerned. Confidentiality is brought to the attention of all staff/volunteers on appointment.
- A signed confidentiality form, signed and dated by each individual staff member/volunteer is kept in the confidentiality file, which is stored securely in the office.

Please refer to our Social Networking policy, code of conduct and confidentiality form.

Data Handling Policy

This policy covers the Data Protection principles and an individual's rights as set down in the Data Protection Act 1998.

Data which may be held includes the following:

- List of names, addresses and home telephone numbers and emergency contact numbers of children attending and staff, volunteers or students whether on spreadsheet, paper or card indexes
- Paper or computer based employee files containing employment records, bank account details and national insurance numbers
- Training records of staff
- Performance records of staff
- Information contained on e-mail which may mention the individual's name
- Children's assessment/observation records
- Information provided to, or received from, external sources
- Photographs
- Incident reports

This list is not exhaustive and will be subject to change

Sharing of information

Information and sharing is essential to meet the needs of the children and families who attend. Data may therefore be shared with and may be obtained from:

- Staff members/students/volunteers
- Schools
- Local settings
- External agencies such as Local Safeguarding Children's Board, local Authority etc

Security of information

We will ensure that measures are taken to safeguard personal data. Each individual has a personal responsibility to ensure that any information of a personal or sensitive nature to which they have access to in the course of their work is protected from unauthorised access and disclosure.

In particular, individuals must observe the following rules:

- Electronic storage of such material should be password protected
- Paper copies of personal data must be held in secure cabinets
- Information should be labelled as 'personal'
- Individuals must not disclose personal information except to authorised colleagues
- Particular care must be taken when exchanging information with third parties
- Information must not be used for purposes other than that for which it was intended
- All employees/students/volunteers must sign our confidentially form
- Where paper based documents are removed from records these must be confidentially shredded
- Personal data should not be retained for longer than necessary
- Memory sticks, discs etc will be only used by authorised people and will be stored securely when not in use.

Retention of records

Criminal Record Bureau (CRB) Record Keeping

The only information that Acorn records from a CRB for is the persons name, the disclosure number and date of issue. This information is recorded in the CRB file and signed by senior staff member and an officer of the committee. The CRB form is then returned to the relevant member of staff, volunteer or committee member. This information is stored securely in a locked filing cabinet in the office.

Legal framework

The Data Protection Act 1998

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