14 Record Keeping

**14.02 Confidentiality and Client Access to Records**

*‘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)

Within Parley Community Preschool, 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 General Data Protection Regulation (GDPR) (25th May 2018) and the Human Rights Act (1998).

**Confidentiality Procedures**

* We will 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 that we keep (see our Children's Records Policy) - 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 (see our Record Keeping Policy).

**Confidentiality of Staff, Volunteers and Students**

As part of the staff/volunteer/student induction process the importance of confidentiality will be explained.

* A confidentiality clause is included in all staff employment contracts.
* Information learned, as part of the job concerning children, parents and adults, must remain confidential.
* Minutes of staff meetings may contain “confidential minutes” for information of a sensitive nature.
* At the annual appraisal, reference is made to confidentiality on the appraisal forms.

**Confidentiality of Committee Members**

At the first committee meeting the importance of confidentiality will be explained. Committee members will be reminded that: -

* During their term in office as a committee member, they may be party to confidential information concerning the children, families or group users and the group’s financial business. Any information that is received as a result of their position as a committee member must remain confidential to them.
* Confidential issues must not be discussed with parents, or any other individual not connected with the organisation.
* During and after their term of office, they must not disclose or allow the disclosure of any confidential information, except in the proper course of their membership of the committee.

## **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’s managers.
* The setting commits to providing access within 4 weeks of the request. This can be extended where requests are complex or numerous.
* Parley Community Preschool’s managers and/or 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. It 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 Preschool managers 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 Preschool managers, 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

**Legal Framework**

* General Data Protection Regulation (GDPR) (25th May 2018)
* Human Rights Act (1998)