

## **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.

### **10.9 Confidentiality and client access to records**

#### **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)*

In Begbroke Playgroup, the manager and staff 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. We have record keeping systems in place that meet legal requirements; the means that 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).

#### **Confidentiality procedures**

- ☞ Most things that happen between the family, the child and the setting are confidential to our setting. 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 Information Sharing Policy.
- ☞ 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 (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 safeguarding and any contact and correspondence with external agencies in relation to their child.
- ☞ We keep all records securely (see our Children's Records Policy).
- ☞ Most information is kept in a manual file. However, our staff 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.
- ☞ Where it is helpful to keep an electronic copy, we download it onto a disc, labelled with the child's name and kept securely in the child's file. No documents are kept on the hard drive. This is because the settings' PC's do not have facilities for confidential user folders.
- ☞ Our staff discuss children's general progress and well-being together in meetings, but more sensitive information is restricted to our manager and the child's key person, and is shared with other staff on a need to know basis.
- ☞ Access to confidential information, including Learning Pathways, pertaining to a child at Begbroke Playgroup can only be accessed by those with official parental involvement or outside agencies directly involved in that's care.
- ☞ 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 the setting.
- ☞ 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 the manager will 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 our setting has compiled on them.
- ☞ Our manager goes through the file with the staff and ensures 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.
- ☞ Our manager informs the parent that the file is now ready and invite[s] him/ her to make an appointment to view it.
- ☞ 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 our 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

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

## Further guidance

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

This policy was adopted by		
On		date
Date to be reviewed		date
Signed on behalf Begbroke Playgroup		Name
Review signature		date
Review signature		date