

CONFIDENTIALITY & INFORMATION SHARING POLICY

Safeguarding and Welfare Requirements: Information & 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

It is our intention at St Eval Pre-school to respect and value the privacy of children and their parents and carers, whilst insuring that they access high quality early years care and education in our setting.

Aims

We aim to ensure that all parent and carers can share their information in the confidence that it will only be used to enhance the welfare of their children. We meet the requirements of the Human Rights Act 1998 with regard to protecting the individual's rights to a private and family life, home and correspondence. Our only justification to interfering with this right is where we believe that a child may be at risk of significant harm or to prevent a crime or disorder.

We meet the requirements of the Data Protection Act 1998 with regard to the information we gather from or about families, how we gather it, store it and use it. Our procedures enable us to meet these requirements. We have regard to the Common Law Duty of Confidentiality and only share information with other professionals or agencies on a 'need to know' basis, with consent from parents, or without their consent in specified circumstances with regard to safeguarding children.

Children's Records

We keep two kinds of records on children attending St Eval Pre-school:

1. Developmental Records

- These include written and photographic observations of children in the setting, samples of their work, summary developmental reports and records of achievement - these records are referred to as 'Learning Journeys
- Each child's Learning Journey is kept in their named drawer in their classroom, enabling them to be easily accessed, and contributed to, by staff, the children and the child's parents/carers
- Parents/carers have access to their own child's developmental record at any time and are actively encouraged to partake in its completion

2. Personal Records

- These include registration and admission forms, signed consents, and correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an on-going record of relevant contact with parents, and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters

- These confidential records are stored and kept secure in a lockable cabinet in the office
- Parents have access, in accordance with the *Access to Records Procedure*, 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 the Manager/deputy or where it affects planning for the child's needs
- Staff induction includes an awareness of the importance of confidentiality in the role of the key person

Information Sharing

There are times when we are required to share information about a child or their family. These are when:

- There are concerns a child is or may be suffering a significant harm
- The 'reasonable cause to believe' a child is or may be suffering significant harm is not clear
- There are concerns about 'serious harm to adults' (such as domestic violence or other matters affecting the welfare of parents/carers)
- We explain to families about our duty to share information for the above reasons
- Where we have concerns as above, we would normally gain consent from families to share - this does not have to be in writing, but we record in the child's file that we have gained verbal consent as a result of discussing a concern that we need to refer to a social care agency
- We do not seek consent from parents to share information where we believe that a child, or sometimes a vulnerable adult, may be endangered by seeking to gain consent
- Where we take a decision to share information without consent it is recorded in the child's file, with the reason clearly stated
- Where evidence to support our concerns is not clear we may seek advice from our local social care agency or the NSPCC
- We only share relevant information that is accurate, factual, non-judgemental and up to date
- In order to share information with outside professionals, either as part of the Graduated Response (SEN) or for transition, the express permission of the parents will be sought in advance

Other Records

- Issues concerning the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions
- Staff personnel records are kept secure in a lockable cabinet in the office
- Students and volunteers at the setting are required to respect and adhere to our Confidentiality Policy

Access to Personal Records

Whilst we actively encourage the sharing of children's Developmental Records with flexibility and ease, parents must follow the procedure below to request access to any Personal Records held on their child and family.

- 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
- The Manager informs the chairperson of the management committee and sends a written acknowledgement
- The setting commits to providing access within 14 days (although this may be extended).
- The Manager and chairperson 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 - a copy of these letters is retained on the 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 social services, the health authority, etc.
- When all the consents/refusals to disclose have been received, they are attached to the copy of the request letter
- A photocopy of the complete file is taken
- The Manager and chairperson check the file and remove any information which a third party has refused consent to disclose
- What remains is the information recorded by the setting, detailing the work initiated and followed 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 Manager 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 St Eval Pre-school, which is to the safety and well-being of the child.

A breach of this policy can be considered as gross misconduct by staff, and will be dealt with accordingly under the staff grievance and disciplinary procedures.



This policy is reviewed annually, next review date: December

APPROVAL

Signature:

Name & Position: Rachael Richards -
Manager

Date:

AGREED

Signature:

Name & Position: On behalf of the
Committee

Date:

