

032 Confidentiality and client access policy

**Statement of intent**

It is our intention to respect the privacy of children, parents and our staff while ensuring we provide high quality care and education in our setting.

**Legal framework**

Children and families Act 2014

The Equality Act 2010

The Statutory Framework for the Early Years Foundation Stage 2017

Freedom of Information Act 2000

General Data Protection Regulations (2018)

Human Rights Act (1998).

**Aim**

We aim to ensure that all parents can share information in the confidence that it will only be used to enhance the welfare of their children.

We meet the requirements of the General Data Protection Regulations (2018) with regard to the information kept about families, including how it is collected, stored and used. Please read the relevant Privacy notice for more information.

We will only share information with other professionals or agencies on a 'benefit to know' basis, with consent from parents, or without their consent in specified circumstances relating to safeguarding children.

The pre-school is mindful that it is placed in a position of trust by all stakeholders and there is a general expectation that a professional approach will be used in all matters of confidentiality.

**Objectives**

1. To foster an ethos of trust within the pre-school.
2. To ensure that staff and parents are aware of the pre-school's confidentiality policy and procedures.
3. To ensure that parents know that pre-school staff cannot offer unconditional confidentiality.
4. To ensure that if there are children protection issues then the correct procedure is followed.
5. To ensure that parents have a right of access to any records the school may hold on their child but not to any other child that they do not have parental responsibility for.

**Methods**

**Staff**

Staff are required to maintain confidentiality as part of their terms of employment. Each staff member signs the confidentiality policy to indicate their understanding of, and, agreement to the policy.

### **Students**

We welcome the opportunity to support a student during a placement, confidentiality will be discussed as part of the student induction.

### **Trustees/management committee**

Trustees undergo a rigorous vetting process as part of their induction process. Each trustee signs a declaration, confirming they have read the confidentiality policy.

From time to time issues may be discussed or brought to their attention about staff and children.

Trustees must observe complete confidentiality in relation to matters concerning individual staff, children or parents. Although decisions reached at trustees meetings are normally made public through the minutes or otherwise, the discussions on which decisions are based should be regarded as confidential. A public version of the minutes may be published if required.

### **Volunteers**

Regular volunteers are sent a copy of our volunteer induction pack. This provides information for the volunteer about the setting and their role within the pre-school. The volunteer will undergo an induction process when issues such as confidentiality are discussed. The volunteer will have access to all of our policies and procedures, and will sign a declaration confirming they have read and understood our confidentiality policy.

### **Our records**

We keep two kinds of records on children attending our setting:

#### 1. Developmental records

- The learning journey include observations of children in the setting, samples of their work, summary developmental reports and records of achievement.
- They are kept in the setting and can be accessed, and contributed to, by staff, the child and the child's parents.

Staff are encouraged to work on the learning journey in setting. We have completed a risk assessment for taking documents off-site and staff members must follow this procedure. Ofsted have given permission for records to be taken off-site.

#### 2. Personal records

- These include registration forms, signed consents, medication form, correspondence concerning the child or family, reports or minutes from meetings concerning the child from other agencies, an ongoing record of relevant contact with parents, and observations by staff on any confidential matters involving the child, such as developmental concerns or safeguarding matters.
- Contractual matters – including a copy of the signed parent contract (FE1 form), the child's days and times of attendance, a record of the child's fees, any fee reminders or records of disputes about fees. Information from the FE1 will be made available to the committee member responsible for completing the DCC census forms and managing the pre-school invoicing arrangements.
- Variation forms, e.g. FE2 (leavers form), FE3 (starters form) will be made available to the committee member responsible for managing changes of hours with DCC.

- The “My child” section, which contain information about the child’s development is photocopied and included in the child’s learning journey.
- These confidential records are stored in a lockable cabinet and are kept secure by the Supervisor.
- The Supervisor will access these records to prepare a checklist of the documentation to ensure all information required by the EYFS has been collected. A record of allergies, dietary requirements, parental preferences for use of contact details by the school text message service and use of photographs will all be recorded.
- Parents can request access to these records for their own children subject to the procedure below.
- Staff will not discuss personal information given by parents with other members of staff, except 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.

We hold the following information relating to staff and volunteers.

Contact details including emergency contact

Qualification, training record, appraisal and development plan, health declaration.

Signed copy of volunteer declaration.

We record the disclosure certificate number and date of issue of each staff member and volunteer. See also 033 GEP Data retention, storage and disposal policy.

Information relating to the employment of staff remains confidential to the individual and the management committee/payroll administrator. These records are kept securely off site.

In addition, we keep records of any accident or incident involving the children or adults.

**Access to all information is controlled and limited to:**

Pre-school Supervisor - all records

Pre-school staff – records relating to their key children, their individual staff records, as part of their daily routine staff complete medication forms, accident/incident forms

Chair of management committee –accident/incident log, staff records, volunteer records

DCC nominated committee member/treasurer – FE1/2/3 forms to complete census information each term, prepare invoices

Health & safety nominated committee member – accident log

Outside agencies, such as Ofsted, DCC compliance team, DCC EYIO – controlled access, Supervisor to be in attendance at all time

**Use of computer/electronic data**

Most information is kept in a manual file. However, our staff may use the pre-school laptop to type reports, or letters. Where this is the case, the typed document is stored on an encrypted usb flash drive until the work is completed; at this point the document will be deleted and only the hard copy kept. 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.

We keep the following electronic records:

- daily registers
- emergency contacts and text service numbers
- DCC have provided a Tracking tool based on an Excel spread sheet to monitor children's progress. The Supervisor enters child data each term and the information is used to monitor gaps in the curriculum or to compare outcomes for groups e.g. summer born children. The tracker is stored on an encrypted usb flash drive to protect the data which may include special category information.

### **Meetings**

We will arrange meetings outside of pre-school opening times to ensure privacy. If the meeting must be held during the session, we will arrange use of the pavilion's meeting room so that staff may speak confidentially to parents.

### **Information Sharing concerning Child Protection Issues**

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 significant harm.
- Concerns about 'serious harm to adults' (such as domestic violence or other matters affecting the welfare of parents).

We explain to families about our duty to share information for the above reasons.

Where we have concerns, we would normally gain consent from families to share these. This does not have to be in writing, but a written record will be made that verbal consent has been given.

We do not seek consent from parents to share information where we believe that a child, or a vulnerable adult, may be endangered by seeking to gain consent. For example, where we have cause to believe a parent may try to cover up abuse or threaten a child.

Where we take a decision to share information without consent it is recorded in the child's file and the reason clearly stated.

Where evidence to support our concerns is not clear we may seek advice from the Derbyshire Safeguarding Children's Board.

We only share relevant information that is accurate, factual, non-judgmental and up to date.

### **Information Sharing Concerning a Child's Development**

Our staff discuss children's general progress and well-being together in meetings, but more sensitive information is restricted to our Supervisor 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 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 with us; our staff and Supervisor check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.

We always check whether parents regard the information they share with us to be confidential or not.

The Early Years Foundation Stage (EYFS) places great emphasis on providing high quality care through partnership and collaboration. With the permission of parents we will share information with other services that may be involved in the care of your children such as other Early Year's providers, your health visitor and external support agencies.

GEP is also committed in working with children with additional needs. To achieve this, staff, with parental permission, will gather and share information between services such as schools, local 'Inclusion Teams', Health Care professionals and other outside agencies. The information will be used to provide a consistency of care and offer support suited to a child's needs.

### **Access to personal records**

Parents may request access to any records held 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.
- Any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to the Supervisor.
- The Supervisor will send a written acknowledgement informing the parent that an arrangement will be made for him/her to see the file contents, subject to third party consent.
- Our written acknowledgement allows one month for the file to be made ready and available.
- We will be able to extend this by a further two months where requests are complex or numerous. If this is the case, we will inform the parent within one month of the receipt of the request and explain why the extension is necessary
- A fee may be charged for repeated requests, or where a request requires excessive administration to fulfil.
- The Supervisor will inform the Chair of the Management Committee and legal advice may be sought before sharing a file.
- The Supervisor goes through the file with the Chair of the Management Committee 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.
- 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 Supervisor 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 our Supervisor takes a photocopy of the complete file. On the copy of the file, our Supervisor 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 of the Management Committee and legal advisors to verify that the file has been prepared appropriately.
- 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'.
- We photocopy the 'clean copy' again and collate it for the parent to see.
- Our Supervisor informs the parent that the file is now ready and invite[s] him/ her to make an appointment to view it.
- The Supervisor and the Chair of the Management Committee 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.
- It is an offence to remove material that is controversial or to rewrite records to make them more acceptable. Staff must ensure 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 held for a legitimate reason and must be accurate (see our Privacy Notice). 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.

This policy should be read in conjunction with:

- 023 GEP Acceptable use of recording devices
- 024 GEP Social Media Policy
- 031 GEP Information sharing policy
- 033 GEP Data retention, storage and disposal policy
- GEP Privacy notices

This procedure was adopted at a meeting of Grindleford and Eyam Playgroup

Held on:

Date to be reviewed:

Signed on behalf of the committee:

Name of signatory:

Role of signatory:

All staff members and committee members will sign to indicate they have read, understood and agreed with the above policy.