

# Mortimer Hall Pre-school



## 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 our setting, 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. 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 General Data Protection Regulations (2018) 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.

- 28     ▪ Information shared between parents in a discussion or training group is usually bound by a
- 29     shared agreement that the information is confidential to the group and not discussed
- 30     outside of it. We are not responsible should that confidentiality be breached by participants.
- 31     ▪ We inform parents when we need to record confidential information beyond the general
- 32     personal information we keep (see our Children's Records Policy) - for example with regard
- 33     to any injuries, concerns or changes in relation to the child or the family, any discussions
- 34     with parents on sensitive matters, any records we are obliged to keep regarding action
- 35     taken in respect of child protection and any contact and correspondence with external
- 36     agencies in relation to their child.
- 37     ▪ We keep all records securely (see our Children's Records Policy).
- 38     ▪ Most information is kept in a manual file. However, our staff may use a computer to type
- 39     reports, or letters.
- 40     ▪ Our staff discuss children's general progress and well being together in meetings, but more
- 41     sensitive information is restricted to our supervisor and the child's key person, and is
- 42     shared with other staff on a need to know basis.
- 43     ▪ We do not discuss children with staff who are not involved in the child's care, nor with other
- 44     parents or anyone else outside of the setting.
- 45     ▪ Our discussions with other professionals take place within a professional framework and
- 46     not on an informal or ad-hoc basis.
- 47     ▪ Where third parties share information about an individual our practitioners and managers
- 48     check if it is confidential, both in terms of the party sharing the information and of the
- 49     person whom the information concerns.

#### 50     **Client access to records procedures**

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

- 53     ▪ The parent is the 'subject' of the file in the case where a child is too young to give 'informed
- 54     consent' and has a right to see information that our setting has compiled on them.
- 55     ▪ Any request to see the child's personal file by a parent or person with parental responsibility
- 56     must be made in writing to the setting leader or supervisor.
- 57     ▪ We acknowledge the request in writing, informing the parent that an arrangement will be
- 58     made for him/her to see the file contents, subject to third party consent.
- 59     ▪ Our written acknowledgement allows one month for the file to be made ready and available.
- 60     We will be able to extend this by a further two months where requests are complex or
- 61     numerous. If this is the case, we will inform you within one month of the receipt of the
- 62     request and explain why the extension is necessary

- 63     ▪ A fee may be charged for repeated requests, or where a request requires excessive  
64       administration to fulfil.
- 65     ▪ Our written acknowledgement allows 40 working days for the file to be made ready.
- 66     ▪ A fee of may be charged to the parent.
- 67     ▪ Our supervisor informs the Chair and legal advice may be sought before sharing a file.
- 68     ▪ Our Supervisor goes through the file with the Chair and ensures that all documents have  
69       been filed correctly, that entries are in date order and that there are no missing pages.  
70       They note any information, entry or correspondence or other document which mentions a  
71       third party.
- 72     ▪ We write to each of those individuals explaining that the subject has requested sight of the  
73       file, which contains a reference to them, stating what this is.
- 74     ▪ They are asked to reply in writing to our manager giving or refusing consent for disclosure  
75       of that material.
- 76     ▪ We keep copies of these letters and their replies on the child's file.
- 77     ▪ 'Third parties' include each family member noted on the file; so where there are separate  
78       entries pertaining to each parent, step parent, grandparent etc, we write to each of them  
79       to request third party consent.
- 80     ▪ Third parties also include workers from any other agency, including children's social care  
81       and the health authority for example. Agencies will normally refuse consent to share  
82       information, preferring instead for the parent to be redirected to those agencies for a  
83       request to see their file held by that agency.
- 84     ▪ Members of our staff should also be written to, but we reserve the right under the  
85       legislation to override a refusal for consent or to just delete the name of the staff member  
86       and not the information. We may grant refusal if the member of staff has provided  
87       information that could be considered 'sensitive' and the staff member may be in danger if  
88       that information is disclosed; or if that information is the basis of a police investigation.  
89       However, if the information is not sensitive, then it is not in our interest to withhold that  
90       information from a parent. In each case this should be discussed with members of staff  
91       and decisions recorded.
- 92     ▪ When we have received all the consents/refusals our Supervisor takes a photocopy of the  
93       complete file. On the copy of the file, our Supervisor removes any information that a third  
94       party has refused consent for us to disclose and blank out any references to the third  
95       party, and any information they have added to the file, using a thick marker pen.
- 96     ▪ The copy file is then checked by the Chair and legal advisors to verify that the file has  
97       been prepared appropriately.
- 98     ▪ What remains is the information recorded by the setting, detailing the work initiated and  
99       followed by them in relation to confidential matters. This is called the 'clean copy'.

- 100     ▪     We photocopy the 'clean copy' again and collate it for the parent to see.
- 101     ▪     Our supervisor informs the parent that the file is now ready and invite[s] him/ her to
- 102         make an appointment to view it.
- 103     ▪     Our Supervisor and their line manager meet with the parent to go through the file,
- 104         explaining the process as well as what the content of the file records about the child
- 105         and the work that has been done. Only the person(s) with parental responsibility can
- 106         attend that meeting, or the parent's legal representative or interpreter.
- 107     ▪     The parent may take a copy of the prepared file away; but, to ensure it is properly
- 108         explained to and understood by the parent, we never hand it over without discussion.
- 109     ▪     It is an offence to remove material that is controversial or to rewrite records to make
- 110         them more acceptable. Our recording procedures and guidelines ensure that the
- 111         material reflects an accurate and non-judgemental account of the work we have done
- 112         with the family.
- 113     ▪     If a parent feels aggrieved about any entry in the file, or the resulting outcome, then we
- 114         refer the parent to our complaints procedure.
- 115     ▪     The law requires that the information we hold must be held for a legitimate reason and
- 116         must be accurate. If a parent says that the information we hold is inaccurate, then the
- 117         parent has a right to request for it to be changed. However, this only pertains to factual
- 118         inaccuracies. Where the disputed entry is a matter of opinion, professional judgement,
- 119         or represents a different view of the matter than that held by the parent, we retain the
- 120         right not to change that entry, but we can record the parent's view of the matter. In
- 121         most cases, we would have given a parent the opportunity at the time to state their side
- 122         of the matter, and it would have been recorded there and then.
- 123     ▪     If there are any controversial aspects of the content of a child's file, we must seek legal
- 124         advice. This might be where there is a court case between parents, where social care
- 125         or the police may be considering legal action, or where a case has already completed
- 126         and an appeal process is underway.
- 127     ▪     We never 'under-record' for fear of the parent seeing, nor do we make 'personal notes'
- 128         elsewhere.

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

131 All the undertakings above are subject to the paramount commitment of [our/my] setting, which  
132 is to the safety and well-being of the child. Please see also our policy on Safeguarding  
133 Children and Child Protection.

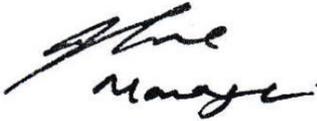
#### 134 **Legal framework**

- 135 ■ General Data Protection Regulations (GDPR) (2018)
- 136 ■ Human Rights Act (1998)

137 **Further guidance**

- 138 ■ Information Sharing: Advice for practitioners providing safeguarding services to children,
- 139 young people, parents and carers (HM Government 2015)

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This policy was adopted by	Mortimer Hall Pre-school
On	<hr/> 15 <sup>th</sup> May 2019
Date to be reviewed	<hr/> May 2020
Signed on behalf of the provider	<hr/> 
Name of signatory	<hr/> Janet Crane
Role of signatory	<hr/> Trustee