

Safeguarding Children

Confidentiality and client access to records

Policy statement

Definition: *'Confidential information is information of some sensitivity, which is not already lawfully in the public domain or readily available from another public source, and which has been shared in a relationship where the person giving the information understood it would not be shared with others.'* (Information Sharing: Practitioners' Guide)

In our school, 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 care and education in our school. We aim to ensure that all parents and carers/ teachers 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; means of storing and sharing that information take place within the framework of the Data Protection Act and the Human Rights Act.

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

Developmental records

- These include observations of children in the school, samples of their work, summary developmental records and records of achievement.
- They are usually kept in the classrooms and can be accessed, and contributed to, by staff, the child and the child's parents.

Personal records

- These include registration and admission forms, signed consents, and correspondence concerning the child or family, reports of minutes concerning the child from other agencies, an ongoing 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 in a lockable file or cabinet and are kept secure by the person in charge in the office or other suitable safe place.
- 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 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.

Other records

- Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making decisions.
- Students on placements, when they are observing in the setting, are advised of our confidentiality policy and required to respect it.
 - Information given by parents must be kept confidential.
- Any information that is given by the parent / carers to any member of staff will not be passed on to other adults.
 - All staff are advised of our confidentiality policy and will be required to respect it.
 - All information relating to child protection is treated as strictly confidential.
 - All information regarding complaints or discipline are kept confidential.

Confidentiality procedures

- We always check whether parents regard the information they share with us to be regarded as confidential or not.
- Some parents sometimes share information about themselves with other parents as well as staff; the school 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 we keep (see our record keeping procedures) - 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 procedures).

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 office.
- The office sends a written acknowledgement.
- The school commits to providing access within 14 days, although this may be extended.
- The office prepares 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 social services, 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 office goes through the file and removes any information which a third party has refused consent to disclose. This is best done with a thick black marker, 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 school, 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 office, 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 school or another (third party) agency.

All the undertakings above are subject to the paramount commitment of the school, which is to the safety and well-being of the child. Please see also our policy on child protection.

Legal framework

- Data Protection Act 1998
- Human Rights Act 1998

Further guidance

This policy was adopted on

Monday 19th January 2009

Date reviewed

Saturday 31st October 2009
