



# Rainbow Teddies Pre-school Policy Document

## Confidentiality

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### Safeguarding and Welfare Requirements:

#### 10) Information and Records


### EYFS Key Themes and Commitments:

<i>A Unique Child</i>	<i>Positive Relationships</i>	<i>Enabling Environments</i>	<i>Learning and Development</i>

This policy was adopted at a meeting on: .....

Review Date: .....

Signed: ..... on behalf of the Management Committee

Print Name: ..... Position:  
.....

Signed: ..... Pre-school Manager



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## Confidentiality

‘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*)).

‘Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case.’

(*Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers -HMG 2015*).

In our setting, all 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. 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. 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 General Data Protection Regulations (2018) and the Human Rights Act (1998).

Rainbow Teddies Pre-school’s work with children and families will sometimes bring both staff and Committee into contact with confidential information.

### **Working with Confidential Information**

- Parents/carers will have ready access to the files and records of their own children but will not have access to confidential information about any other child.
- Staff and Committee will not discuss individual children, other than for purposes of curriculum planning/group management, with people other than the parents/carers of that child.
- Information given by parents/carers to any pre-school staff or Committee member will not be passed on to other adults without permission.



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- Any anxieties/evidence relating to a child's personal safety will be kept in a confidential file and will only be shared with others relevant staff on a need to know basis. The Pre-school Manager will have the responsibility for making this decision.
- Students on recognised courses observing in the pre-school or attending on work experience will be advised of our *Confidentiality Policy* and be required to respect it.
- All the undertakings above will be subject to the paramount commitment of Rainbow Teddies Pre-school, which is to the safety and wellbeing of the child (see also *Safeguarding and Child Protection Policy*)
- Issues regarding staff, whether paid or unpaid, will remain confidential to the people directly involved with making personnel decisions.

### ***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.
- Any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to setting manager.
- We acknowledge the request in writing, 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 you 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.
- Our manager informs the Management Committee and legal advice may be sought before sharing a file.
- Our manager goes through the file with a Key Officer from the Management Committee (Chairperson, Treasurer or Secretary) to ensure that all documents have been filed correctly, that entries are in date order and that there are no missing pages. They will



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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 manager giving or refusing consent for disclosure of that material.
- We keep copies of these letters and their replies in the child's confidential 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 manager takes a photocopy of the complete file. On the copy of the file, our manager removes any information that a third party has refused consent for us to disclose and blanks out any references to the third party, and any information they have added to the file, using a thick, black marker pen.
- The copy file is then checked by a Key Officer from the Management Committee (and if relevant our 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'.



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- We photocopy the 'clean copy' again and collate it for the parent to see.
- Our manager informs the parent that the file is now ready and invite[s] him/ her to make an appointment to view it.
- Our manager and a Committee Member 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. 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 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.



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Telephone advice regarding general queries may be made to The Information Commissioner's Office (ICO) Helpline 0303 123 1113/[www.ico.gov.uk](http://www.ico.gov.uk)

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**

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