

# Hemingford Grey Playgroup

## Policy: Confidentiality

*October 2015*

### **Introduction**

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 Playgroup.

We aim to ensure that 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 Data Protection Act (1998) and the Human Rights Act (1998). If it is considered appropriate to the child's needs to enlist the help of other professionals, permission will be sought from parents/carers (except possibly in the case of child protection issues - see Safeguarding and Promoting Welfare of Children Policy).

We are registered with the Information Commissioner's Office. In accordance with their guidelines:

- we only collect information needed for the specific purpose.
- we keep all information secure.
- we ensure all information we hold is up to date and relevant.
- we only keep as much information as we need and for as long as we need it.
- we allow subjects (parents/carers) to see information on request.
- we do not keep any information about children on a computer database.
- Nursery Funding forms, as required by Cambridgeshire Local Authority, are completed online and kept by the Local Authority.
- Our staff discuss children's general progress and well being together in meetings, but more sensitive information is restricted to our manager 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.
- 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, our practitioners and managers check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.

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

### **Developmental records**

- These include observations of children in the setting, samples of their work, and records of achievement. They are kept in the filing cupboard and can be accessed, and contributed to, by staff and the child's parents.

### **Personal records**

- These include registration forms, signed consents, and 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 matter involving the child, such as developmental concerns or child protection matters.
- These confidential records are stored in a lockable filing cabinet and are kept secure by the staff. Parents can have access to the files and records of their **own** children but cannot have access to information about any other child.
- Personal information given by parents to one staff member will not be disclosed to other members of the Playgroup staff except where it affects the child's needs. Staff induction includes an awareness of the importance of confidentiality.

As required, records are retained securely for up to 25 years after the date that they are collected, they are then disposed of.

### **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 we have 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 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 40 working days for the file to be made ready. Our manager informs their line manager and legal advice may be sought before sharing a file.
- Our manager goes through the file with their line manager 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 manager 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 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 blank out any references to the third party, and any information they have added to the file, using a thick marker pen.
  - 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 manager informs the parent that the file is now ready and invites him/her to make an appointment to view it.
  - Our manager and their line manager 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 accurate. 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 and Promoting Welfare of Children and Child Protection.

Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.

Parents/carers who help in Playgroup and students on work experience for Pre-school Learning Alliance or other recognised training courses, are advised of our confidentiality policy and required to respect it. We ask that they sign our confidentiality clause in the rota book on arrival. Similarly, all Hemingford Grey Playgroup Committee members are required to sign a confidentiality agreement on joining.

This policy was reviewed at a meeting of Hemingford Grey Playgroup Committee, held on 20<sup>th</sup> October 2015

Signed by the chairperson, on behalf of the Committee:

..... (Chairperson's name - block capitals)

..... (Chairperson's signature)