



HARPOLE PRE-SCHOOL

"Kind Hands, Kind Hearts, Fun

7.6 Confidentiality and client access to records Policy & Procedure

Harpole Preschool has adopted the Preschool Learning Alliance (PLA) policy Confidentiality and Client Access to Records. The PLA ensure that their policies adhere to statutory guidance and legislative procedure and they provide the preschool with any updates. All policies and procedures are ratified by the Preschool Trustees on a rolling programme. The preschool staff, led by Sharon Matthews, ensure that their practice is in line with the policies and procedures outlined in the PLA guidance.

Policy statement

'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 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, 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. 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).

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 setting 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 Children's Records Policy and Privacy Notice) - 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 Children's Records Policy and Privacy Notice).

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 setting leader or manager.
- The setting leader informs the chairperson of the Trustees and sends a written acknowledgement.
- 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 and 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.
- The setting's leader or manager and chairperson of the trustees prepare 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 setting leader and chairperson of the trustees go through the file and remove 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 setting, 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 to see.
- The setting leader informs the parent that the file is now ready and invites him/her to make an appointment to view it.
- The setting leader and Chair Person from the Trustees meet with the parent to go through the file. The file should never be given straight over, but should be gone through by the setting leader, so that it can be explained. Only person(s) with parental responsibility can attend that meeting, or the parent's legal representative or interpreter.
- 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).
- Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the setting or another (third party) agency.

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 the setting, which is to the safety and well-being of the child. Please see also our policy on child protection.

Legal framework

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

Further guidance

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

Ratified on 11th February 2020