



CONFIDENTIALITY POLICY

CHILDREN'S RECORDS & PRIVACY POLICY

At Magpie Pre-School our work with children and families/carers often brings us into contact with private and confidential information. It is our intention to respect the privacy of children and their families/carers, whilst ensuring that the children have access to high quality early years care and education in our setting. We aim to ensure that all parents/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; this means that we use, store and share that information 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/carer, the child and the setting are confidential to our setting. In exceptional circumstances information is shared, for example with other professionals; i.e. social care or police.
- We always check with parents/carers regarding the information they share with us as to whether it is 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.
- We inform parents when we need to record confidential information beyond the general personal information. For example, we keep records of - injuries/pre-existing injuries (a separate page for each child), concerns in relation to the child/family, any discussions with parents on sensitive matters (recorded and kept in a separate file for each child). We also keep any records that we are obliged to keep regarding action taken in respect of child protection and any contact/correspondence with external agencies in relation to their child. Only necessary computer held records will be stored securely on our laptop which are essential to the child's welfare and education. This laptop will be stored and locked away at the end of every day, and is password secured. Our setting complies with the Data Protection Act 1998, they must register as a Data Controller with the Information Commissioner's Office and follow their guidelines for Data Protection.
- Any concerns observed by staff must be reported directly to the Manager/Deputy Manager. Information must be recorded onto a separate page or folder for each child, depending on type of observation. All records are kept in a manual file locked away.

- Our staff discuss children's general progress and wellbeing 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.
- Our 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 Manager(s) check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.
- Staff should not discuss the children or setting on Facebook or any other social networking site and should adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.
- During their induction period, new staff members will be made aware of the importance of confidentiality within the setting. All staff within the setting (including students, volunteers and cleaning staff) will be advised of our confidentiality policy and made aware they are required to respect it.

Client access to records procedures

Parents may request access to any confidential records we hold on their child/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/person with parental responsibility must be made in writing to the 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 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 will inform the Deputy Manager, Safeguarding Officer, and Chair Person and legal advice may be sought before sharing a file.

- Our Manager will go through the file with the Deputy Manager to ensure that all documents have been filed correctly, that entries are in date order and that there are no missing pages. The Manager will note any information, entry or correspondence or other document which mentions a third party.
- The Manager will 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 the 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 will 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 the Manager will take a photocopy of the complete file. On the copy of the file, The Manager will remove 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.
- The copy file is then checked by Deputy Manager.
- 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.
- The Manager informs the parent that the file is now ready and invites the parent(s) to make an appointment to view it.
- The Manager and the Deputy Manager will meet with the parent to go through the file, explaining the process as well as the content of the 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 & Accusations Policy.
- The law requires that the information we hold must be held for a legitimate reason and 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.

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; Safeguarding Children - Child Protection.

This policy was adopted by

Magpie Pre School

On

3 July 2020

Date to be reviewed

3 July 2021

Signed on behalf of the provider



Name of signatory

Elaine Masters

Role of signatory (e.g. chair, director or owner)

Chair