



Confidentiality Policy

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1. Introduction to Brookside pre-school's policy on Confidentiality

In our setting, all members of staff and volunteers 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: this means the pre-school uses, retains and shares information within the framework of the Data Protection Act (1998) and the Human Rights Act (1998).

2. Confidentiality Procedures

- Some parents may 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 group discussion facilitated or supported by the pre-school is usually bound by a shared agreement that the information is confidential to the group and not discussed outside it.
- We inform parents when we need to record confidential information beyond the general personal information we keep (see children's records below) – 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.

3. Children's Records

Brookside pre-school securely retains two kinds of records on children attending our pre-school:

Developmental records

- These include observations of children in the pre-school, photographs, samples of their work, summary developmental reports and records of achievement.
- They are usually kept in a lockable filing cabinet at pre-school and can be accessed, and contributed to, by staff, the child and the child's parents.

Personal records

- These include registration forms, signed consent forms, 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.
- We keep a daily record of the names of the children we are caring for and their hours of attendance.
- These confidential records are stored in a lockable cabinet 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, volunteer and student induction processes, includes an awareness of the importance of confidentiality in the role of the key person.
- We retain children's records for three years after they have left the setting, except records that relate to an accident or child protection matter, which are kept until a child reaches 21 years. These are kept in a secure place.
- We require staff, volunteers and students to sign a declaration that they will adhere to our Confidentiality Policy.

4. Access to personal records

Parents may request access to any 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 pre-school manager.
- The pre-school manager informs the pre-school management committee and sends a written acknowledgement.
- The pre-school commits to providing access within 14 days - although this may be extended if advised by outside agencies.
- The pre-school's manager and chairperson of the management committee 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 the 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 pre-school's manager and chairperson of the management committee 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 pre-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 pre-school manager, so it can be explained.
- Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the pre-school or another (third party) agency.

All the undertakings above are subject to the paramount commitment of the pre-school, which is to the safety and well-being of the child. Please see also our Safeguarding Children and Child Protection policies.

5. Provider Records

We keep records for the purpose of maintaining the running of the pre-school for example, Risk Assessments.

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

Our records are regarded as confidential on the basis of sensitivity of information, such as regard to employment records and these are maintained with regard to the frame work of the Data Protection Act and Human Rights Act.

- All records are the responsibility of the manager who ensures they are kept securely.
- All records are kept in an orderly way in files and filing is kept up-to-date.
- Health and safety records are maintained; these include risk assessments, details of checks or inspections and guidance etc.
- Our Ofsted registration certificate is displayed.
- Our public Liability Insurance certificate is displayed.
- All our employment and staff records are kept securely and confidentially.

We notify Ofsted of any change:

- In the address of the premises

- To the name and address of the pre-school manager or management committee chair person, or their contact information.
- To the name of the person managing the setting.
- Any significant event which is likely to affect our suitability to look after children or
- Any other event as detailed in the Statutory Framework for the Early Years Foundation Stage.

6. Information Sharing

We recognise that parents have a right to know that information they share will be regarded as confidential as well as be informed about the circumstances and reasons, when we are obliged to share information.

We are obliged to share confidential information without authorisation from the person who provided it, or to whom it relates if it is the public interest. That is when:

- It is to prevent a crime from being committed, or intervene where one may have been or to prevent harm to a child or adult; or
- not sharing it could be worse than the outcome of having shared it.

The decision will not be made as an individual, but with the agreement of the Chair person of the Management Committee. Three critical criteria are:

- Where there is evidence that the child is suffering, or is at risk of suffering significant harm.
- Where there is reasonable cause to believe that a child may be suffering or at risk of suffering significant harm.
- To prevent significant harm arising to children and young people, or serious harm to adults, including the prevention, detection and prosecution of serious crime.

Working in Partnership with other Agencies

- We work in partnership with local and national agencies to promote the well-being of all children.
- Procedures are in place for sharing information about children and families with other agencies. These are set out in the Safeguarding Children Policy and the Special Educational Needs Policy.
- Information shared by other agencies with Pre-School is regarded as third party information. This is also kept in confidence and not shared without consent from that agency.
- We follow the protocols for working with agencies i.e. child protection.
- Staff from other agencies do not have unsupervised access to the child they are visiting in the setting and do not have access to any other child(ren) during their visit.
- Pre-school staff are prohibited from casually sharing information or seeking informal advice about any named child/family.

- Where necessary we consult with local and national agencies who offer a wealth of advice and information that help us develop understanding of issues facing us and who can provide support and information for parents.

Transfer of records to school

We recognise that children sometimes move to another early years setting before they go on to school, although many will leave our setting to enter reception class.

We prepare children for these transitions and involve parents and the receiving school in the process. We prepare records about a child's development and learning in the Early Years Foundation Stage in our setting; in order to enable a smooth transition, we share appropriate information with the receiving school at transfer.

Procedure

Transfer of development records for a child moving to another early years setting or school

- Using the Development Matters in the Early Years Foundation Stage guidance and our assessment of children's development and learning, the Key person will prepare a summary of achievements in the seven areas of learning and development.
- The record refers to:
 - Any additional language spoken by the child and his or her progress in both languages
 - Any additional needs that have been identified or addressed by the setting
 - Any special needs or disability, whether a CAF/EHA was raised in respect of special needs or disability, whether there is a Statement of Special Educational Needs, and the name of the lead professional
- The record contains a summary by the key person and a summary of the parent's view of the child
- The document may be accompanied by other evidence, such as photos or drawings that the child has made
- If there have been any welfare or protection concerns, a star is placed on the front of the assessment record

Transfer of confidential information

- The receiving school or setting will need to have a record of any safeguarding or child protection concerns that were raised in our pre-school and what was done about them
- A summary of concerns will be made to send to the receiving setting or school, along with the date of the last professional meeting or case conference
- Where a CAF/EHA has been raised in respect of any welfare concerns, the name and contact details of the lead professional will be passed on to the receiving school or setting
- Where there has been an investigation regarding a child protection concern, the name and contact details of the social worker will be passed on to the receiving setting or school – regardless of the outcome of the investigation
- This information is posted or taken to the school or setting, address to the setting or school's designated person for child protection and marked 'confidential'

