



Confidentiality and Parent's Access to Records

'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 a 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).

Confidential information is information that is not normally in the public domain or readily available from another source, it may have a degree of sensitivity 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.

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 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 current 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)*.

EYFS key themes and commitments:

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping Safe	2.1 Respecting Each Other 2.2 Parents as Partners	3.4 The Wider Context	

Confidentiality procedures:

We always check whether parents regard the information they share with us to be confidential or not.

- Written information provided by parents such as information on our registration forms shall be kept confidential, only being accessed by staff for the purpose of fulfilling their roles within the setting. Written information is kept in a filing cabinet which is locked overnight. If however we need to share this information (such as information on a child's additional needs), we will speak to the parents to seek their permission to share.
- This information will be kept confidential unless a child is at risk of being harmed, or is being harmed, in which case we will inform the parent that we will have to share the information with another professional body.
- Some parents sometimes share information about themselves with other parents (as well as staff); in this instance the setting cannot be held responsible if this information becomes public via another parent. .
- 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 keep an incident book where we record information about children so that we can look for trends and support children. Such entries could include; a child who is biting others, a child who is always tired, a child whose parent often picks them up late, a child with a mark on their body (this list is not exhaustive). We also document conversations we have had with parents. This information is only shared with those that need to know such as the child's key person. However if we are concerned that a child is being harmed or at risk of being harmed we will share this information with Children's Services. Usually we will speak to the parent first to voice our concerns and advise that we will contact Children's Services. However if we feel that a child may be put at greater risk by speaking to the parent, we will contact Children's Services without first seeking the permission of the parent to share information.

Client access to records procedures:

Parents may request access to any confidential records held on their child and family following the procedure below:

- If the parent is the 'subject' of the filed in the case where a child is too young to give 'informed consent', they have a right to see information that our setting has compiled on them.
- Any request to see the child's personal record such as written recordings in our incident book or child protection notes must be made in writing to the manager.
- The manager sends a written acknowledgement.
- The setting commits to providing access within 40 days.
- The manager will 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 children's 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 manager will 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 who are then invited in to discuss the contents. The file should never be given straight over, but should be gone through by the manager, so that it can be explained.
 - Only the person(s) with parental responsibility can attend that meeting, or the parent's legal representative or interpreter.
 - It is an offense 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-judgmental account of the work we have done with the family.
 - 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.
- 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 policies; Safeguarding and Information Sharing.

Legal framework:

- Data Protection Act 1998
- Human Rights Act 1998

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