

## Confidentiality and Client Access to Records Policy

### **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 consent 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)*

At FRS Kindergarten, 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 the children. There are record keeping systems in place that meet legal requirements; the means we use to store and share that information takes place 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, the child and the setting are confidential to our setting. In exceptional circumstances information is shared, for example with other professionals or possibly social care or the police.
- Information shared with other agencies is done in line with our Information Sharing Policy.

- We always check whether parents regard the information they share with us to be confidential or not.
- Some parents may share information about themselves with other parents as well as staff; the Kindergarten cannot be 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 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 confidential records held 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 [our/my] setting has 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 Headteacher.
  - The setting commits to provide access within 7 days. This may be extended if necessary.
  - The keyperson will prepare the file for viewing. (I.e. remove any references to

other children, or any third party where consent to share is not given, with a thick black felt pen.)

- Parents will be invited to discuss the contents of the 'clean copy' of the file together with the manager so that contents can be queried and explained. Only the person(s) with parental responsibility can attend that meeting, or the parent's legal representative or interpreter.
- 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/I] 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 held for a legitimate reason and must be accurate (see our Privacy Notice). 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.
  - Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the Kindergarten or another third party.

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

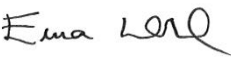
Telephone advice regarding general queries may be made to The Information Commissioner's Office Helpline 0303 123 1113.

### Legal framework

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

### Further guidance

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

This policy was adopted by	FRS Kindergarten	<i>(name of provider)</i>
On	<u>26<sup>th</sup> February 2021</u>	<i>(date)</i>
Date to be reviewed	<u>25<sup>th</sup> February 2022</u>	<i>(date)</i>
Signed on behalf of the provider		
Name of signatory	<u>Emma Wohl</u>	
Role of signatory (e.g. chair, director or owner)	<u>Headteacher</u>	