



Confidentiality and Client Access to Records

Definition: 'Confidential information is information that is not normally in the public domain or readily available from another source, it should have a degree of sensitivity and value 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.' (Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)).

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 Data Protection Act and the Human Rights Act.

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 record keeping procedures) - 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 record keeping procedures).

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 manager.
- The manager informs the owner and sends a written acknowledgement.
- The setting commits to providing access within 14 days, although this may be extended.
- The manager and owner 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 manager and owner 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 setting leader, so that it can be explained.
- 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.

Privacy Policy

The details of you and your child included in this contract will be stored on a computer and used in the operation of Denmead Day Care LTD. Your information will not be provided to third parties other than those directly necessary to the running and administration.

Staffing

- All staff/volunteers/students are made aware that confidential information whether it is overheard, written or discussed within the setting must not be discussed outside the setting.
- Parents trust us to retain information given in the trust that it is only passed on if there are concerns with the child or if sensitive information needs to be passed onto professionals therefore Social Workers, Hampshire County Council, Police, school.
- Information is only given without parental permission if there is a safeguarding issue.
- If a staff member overhears or is privy to conversations which they are not comfortable hearing and is in breach of confidentiality by a parent or another member of staff then discuss with Manger/Deputy Manager about your concerns. If staff feels like it is not dealt with properly then use the Whistle blowing number on the board.
- Any member of staff found to be discussing confidential information with people outside of the setting will be subject to a disciplinary. With further consequences if the information used harms children/families/staff will be subject to Gross Misconduct or instant dismissal.
- Staff personal information is kept in a locked cupboard only Senior members of staff have access to this information. Staff caught looking at other staff members private information will be disciplined in accordance to the Disciplinary Policy.

All the undertakings above are subject to the paramount commitment of the setting, which is to the safety and well-being of the child the parents and staff.

Policy updated October 2011

It will be reviewed again October 2012 or if something arises which causes me to amend this policy

Reviewed on 29 September 2012

Reviewed on 15 October 2013

Reviewed on 5 October 2014

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Reviewed 07 March 2016

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Reviewed 25 October 2017

Reviewed October 2018

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