



Confidentiality Policy

Statement of Intent

It is our intention to respect the privacy of children, parents and carers, while ensuring that they access high quality early years care and education in our setting.

Aim

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.

Methods

The records we keep on children attending our setting include:

Developmental records: These include observations of children in the setting, samples of their work, summary developmental reports and records of achievement.

Personal records: These include parent agreement and declaration 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, observations by staff on any confidential matter involving the child such as developmental concerns or child protection matters.

These confidential records are stored in a lockable cabinet.

Records are non-judgemental and do not reflect any biased or discriminatory attitude, they are dated and signed by staff where appropriate. Records are always proportionate and necessary.

Parents have access, in accordance with the access to records procedure, to the file 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 induction includes an awareness of the importance of confidentiality in the role of the keyperson.

The setting is registered with the Information Commissioner's Office (ICO) The guidelines issued by the ICO can be found here: [Guidance index | ICO](#)

Obtaining consent

Consent to share information is not always needed. However, it remains best practice to engage with people to try to get their agreement to share where it is appropriate and safe to do so.

Using consent as the lawful basis to store information is only valid if the person is fully informed and competent to give consent and they have given consent of their own free will, and without coercion from others, Individuals have the right to withdraw consent at any time.

Consent to disclose personal information should not be sought in circumstances where:

- someone has been hurt and information needs to be shared quickly to help them
- obtaining consent would put someone at risk of increased harm
- obtaining consent would prejudice a criminal investigation or prevent a person being questioned or caught for a crime they may have committed
- the information must be disclosed regardless of whether consent is given, for example if a Court order or other legal obligation requires disclosure

Consent

- Parents share information about themselves and their families. They have a right to know that any information they share will be regarded as confidential. They should also be informed about the circumstances, and reasons for the setting being under obligation to share information.
- Parents are advised that their informed consent will be sought in most cases, as well as the circumstances when consent may not be sought, or their refusal to give consent overridden.
- Consent must be informed - that is the person giving consent needs to understand why information will be shared, what will be shared, who will see information, the purpose of sharing it and the implications for them of sharing that information.

Separated parents

- Consent to share need only be sought from one parent. Where parents are separated, this would normally be the parent with whom the child resides.
- Where there is a dispute, this needs to be considered carefully.
- Where the child is looked after, the local authority, as 'corporate parent' may also need to be consulted before information is shared.

Staff, Committee members and Volunteers will not discuss the children or anything of a confidential nature that happens within the setting on Social Networking sites. Staff will not disclose that they are employed by Lavington Pre-school on Social Networking sites.

Other records

- Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.
- Students undergoing training or on work placement and volunteers are advised of our confidentiality policy and are required to respect it.
- All persons undertaking activities within the Pre-school are required to adhere to the statement of confidentiality.

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 Manager. The Manager informs the Chairperson of the management committee and sends a written acknowledgement.
- The setting commits to providing access within 14 days, although this may be extended.
- The Manager and Chairperson 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. A copy 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 Manager and Chairperson 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.
- 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.

Further guidance

Working Together to Safeguard Children (DfE 2018) www.gov.uk/government/publications/working-together-to-safeguard-children--2

Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers (HMG 2018) www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice

What to do if you're Worried a Child is Being Abused (HMG 2015) www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2

Mental Capacity Act 2005 Code of Practice (Office of the Public Guardian 2007) www.gov.uk/government/publications/mental-capacity-act-code-of-practice

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 policy on Safeguarding Children.

The Manager and Chairperson are responsible for monitoring and evaluating the policy.

Reviewing the Confidentiality Policy: The Chairperson is responsible for overseeing the annual review.

The Lavington Pre-school Confidentiality Policy will be reviewed on:

Date: **Signed:**

Name: **Post:**

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