

## **Confidentiality Policy**



## Confidentiality Policy

It is our intention to respect the privacy of the children and their parents/carers whilst they access high quality care and education within our setting.

### ***Aim***

We aim to ensure that all parents/carers feel confident enough to share information on the understanding that it will only be used to enhance the welfare of their children.

Our procedures enable us to comply with legislation such as the Human Rights Act 1998 in regards to protecting the individual's right to privacy. Our only justification to interfere with this right is where we believe a child may be at risk of significant harm or to prevent a crime.

We also comply with the Data Protection Act 1998. This dictates how we gather, store and use the information about the families who use our setting. As an organisation that process personal data we are registered with the Information Commissioner's Office (ICO).

We will only share information about our families with other professionals or agencies on a "need to know" basis, with consent from the parent/carer or without consent in circumstances where there are safeguarding issues.

### ***Method***

We keep two kinds of record on the children who attend our setting:

#### **Development Records**

- These include both photographic and written observations of children in the setting, samples of their work, summary development reports and records of achievement.
- They are usually kept within your child's room and can be accessed and contributed to by staff, the child and the child's parents/carers.
- Parents/carers will have free access to development records for their child and will be able to input into these documents in order to enhance them further and create a rounded overview of the child's development.

#### **Personal Records**

- These include registration and admission forms, signed consents and 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 i.e. developmental concerns or child protection issues.



- These confidential records are stored in a lockable filing cabinet and are kept secure by the person in charge of the setting in the office or other suitably safe place.
- Parents have access to all written information about their child (except where data protection laws stipulate it is against the best interest of the child). A written request must be made to the person in charge of the setting for all personal files on the child. Parents do not have the right to access information about any other child.
- Staff will not discuss personal information given by parents with others members of staff, except where it affects planning for the child's needs.
- Staff will also not discuss or partake in any discussion about any other child or their family with any other parents/carers.
- Staff induction includes an awareness of the importance of confidentiality in the role of the key person.

### **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, when they are observing in the setting, are advised of our confidentiality policy and are required to respect it at all times.

### **Sharing Information**

- There are times when we are required to share information about a child or their family. These are when:
  - There are concerns that a child is or may be suffering significant harm.
  - The 'reasonable cause to believe' a child is or may be suffering significant harm is not clear.
  - There are concerns about 'serious harm to adults' (such as domestic violence or other matters affecting the welfare of the parents).
- We explain to families about our duty to share information for the above reasons during their induction to the setting.
- Where we have concerns such as above, we would normally gain consent from families to share. This does not have to be in writing, but we will record in the child's file that we have gained verbal consent as a result of discussing a concern that we need to refer to a social care agency.
- We do not seek consent from parents to share information where we believe that a child, or sometimes a vulnerable adult, may be endangered by seeking to gain consent. For example where we have cause to believe a parent may be trying to cover up abuse, or threaten a child.
- Where we make a decision to share information without consent it is always recorded in the child's personal file and a reason clearly stated.



- Where evidence to support our concerns are not clear we may seek advice from North Somerset's Children's Social Care department.
- We only share relevant information that is both accurate factual, non-judgemental and up to date.

### **Access to personal records**

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

- Any request to see the child's personal records by a parent or person with parental responsibility must be made in writing to the person in charge of the setting.
- The setting manager will send a written acknowledgement.
- The setting commits to providing access within 14 days- although in some circumstances this may be extended.
- The settings 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. A copy of these letters are retained on the child's 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 the agencies to refuse consent to disclose, preferring the individuals 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 *will* go through the file and remove any information which a third party refused consent to disclose. This is best done with a thick black marker, to score through every reference to the third party and any information they have added to the file.
- What remains is the information recorded by the setting, detailing work initiated and followed by them in relation to confidential matters. This is called a clean copy.
- The 'clean copy' is then photocopied for the parents who are then invited into the setting to discuss the contents. The file should never be given straight over, but should be gone through by the setting manager, in order that it can be fully 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.

### **Procedure for transporting confidential documents**



- There may be occasions where developmental records may need to be completed/updated outside of the setting. These will only be held by the child's key person, who will be responsible for ensuring the security of these documents and that they are the only person who can view them.
- On the rare occasion that personal records may need transporting to other agencies/professionals, they will be hand delivered by an authorised person at the setting. (We will ensure that we have parental permission to do this, except when to do so may result in serious harm to the child.)
- If personal files need to be relocated for any reason to another place of safety the manager of the setting (*or the chairperson of the committee*) will transport the locked file with the key. The file will then be stored by the nominated person in a place of safety. Permission to store files offsite will be sought from Ofsted.
- Any confidential information no longer required will be disposed of by secure shredding.

#### **Electronic messaging and social networking.**

- No members of staff or students are allowed to discuss children, parents/carers or anything to do with the setting on any social networking sites.
- Emails containing information about parents/carers and children should be kept brief and only initials used.
- Personal information about children, parents or carers must not be looked at by students on placement unless specific consent has been given by a parent/carer for a specific reason.
- Care should be taken when speaking on the telephone that no information is given on a child unless speaking directly to the parents/carers, emergency contacts or professionals from other agencies such as social services. If you are ever in doubt, verify or seek advice and call back.
- Any breach in confidentiality will be regarded as a serious offence.

#### **Mobile phone policy**

- We do not allow the use of personal mobile phones during our opening hours, on the premises either indoors or in the outside play area.
- Mobiles belonging to staff should be switched off and kept in a secure place away from the children.
- If staff do need to be contacted in case of an emergency, it is acceptable to use the settings phone number to do so.
- This ban excludes the settings allocated mobile phone which is required as a point of contact for parents and other persons.
- This mobile is checked by staff members regularly, to ensure it has not been used inappropriately.
- Where possible, this mobile will not contain a camera setting.
- The mobile phone will not be used to photograph the children.



All parents and visitors will be advised of this policy during their induction in to the setting. Parents and visitors will be asked to ensure they adhere to it at all times. Further information on the use of mobile phones is within the setting's Safeguarding Procedure.

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