



## **22. Safeguarding Children Policy**

### **Confidentiality and Parent access to records**

#### **Aims of Policy**

Definition: *'Confidential information is information of some sensitivity, which is not already lawfully in the public domain or readily available from another public source, and which has been shared in a relationship where the person giving the information understood it would not be shared with others.'* (Information Sharing: Practitioners' Guide)

At Seer Green Pre-School, staff, committee and volunteers 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 (1998), the Human Rights Act (1998), and the Freedom of Information Act (2000).

#### **Confidentiality procedures**

- Where it is obvious that information shared by parents/carers is of a sensitive nature, we treat such information as confidential. Where there is any doubt, the member of staff concerned should check with the parent/carer as to whether they regard such information 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 unless it puts the child at risk in any way, see our 'Safeguarding Children Policy - Information Sharing' (Policy 23). 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 'Safeguarding Children Policy - Information Sharing' (Policy 23).

## Parent 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 Pre-School Leader. (If parents are asking to see their child's 'Learning Journey' they would only need to ask verbally.)
- The Pre-School Leader informs the Committee 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 Pre-School's Leader and Committee Chairperson of the management committee 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 Pre-School Leader and Committee Chairperson of the management committee 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 Pre-School 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.

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 on 'Safeguarding Children' (Policies 17 to 25).

Any request in writing will be considered a Freedom of Information request including those received by email. There is no need for requests to indicate that they are made under the Act and all requests will be dealt with under this policy. Seer Green Pre-School reserves the right to refuse requests where the cost of locating, retrieving and editing (where necessary) the information would exceed the statutory maximum.

Seer Green Pre-School has adopted a Publication Scheme in accordance with Section 19 of the Freedom of Information Act and is committed to updating and maintaining it to keep it current and relevant. The Publication Scheme contains all our policies and letters sent to parents as well as the latest Pre-School newsletter which are regularly asked for. This information is readily available on the Pre-School website [www.seergreenpreschool.co.uk](http://www.seergreenpreschool.co.uk).

## Legal framework

- Data Protection Act 1998
- Human Rights Act 1998
- Freedom of Information Act 2000

## Further guidance

- Information Sharing: Practitioners' Guide (HMG 2006)  
[www.everychildmatters.gov.uk/ files/ACB1BA35C20D4C42A1FE6F9133A7C614.pdf](http://www.everychildmatters.gov.uk/files/ACB1BA35C20D4C42A1FE6F9133A7C614.pdf)

As with all the policies for Seer Green Pre-School, the Operational Plan should be referred to for the specific details of day to day operations of the Pre-School. In addition, any issues which arise in the course of a child's time with the Pre-School and that are related to a child's health and wellbeing, parent's or staff's concern, or the overall care and safety of our children, staff, parents and equipment will be dealt with in a professional and confidential manner in order to arrive at an appropriate outcome.

This policy was adopted on (date) \_\_\_\_\_

Signed on behalf of Seer Green Pre-School (Committee Chairperson) \_\_\_\_\_

This policy was reviewed as indicated below:

Date reviewed:	Reviewed by: