



25. 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 General Data Protection Regulation (GDPR) (2016), the Data Protection Act (2018), subsequent updates to data protection legislation, 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 26). 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 26).

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 should be made in writing to the Pre-School Manager (email is sufficient).

Verbal requests to any member of staff will be noted by the staff member to the Pre-School Manager, and a follow up written summary to confirm the request will be sent. If no response is received to this written summary to confirm the request, it will be assumed no request was made.

- The Pre-School Manager informs the Committee Chairperson and Committee Secretary (Data Protection Officer), and sends a written acknowledgement to both (email is sufficient).
- The setting commits to providing access without undue delay, and within one month of the data request. For avoidance of doubt, this is one calendar month from the day following the received request or confirmation of request if the initial request was made verbally. In some circumstances, this may be extended a further two months where the request is significant or complex.
- The Pre-School Manager, Committee Chairperson and Committee Secretary prepare a 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 as well as workers from any other agencies, 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 copy of the complete file is taken (either photocopy or electronic copy).
- The Pre-School Manager, Committee Chairperson and Committee Secretary 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 copied 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 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.

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 22 to 30).

Any request will be considered a subject access request under the General Data Protection Regulation (GDPR) 2016 and the updated Data Protection Act (2018) unless there is no personal data, in which case the request will be considered under The Freedom of Information Act 2000. There is no need for requests to indicate that they are subject access data requests and all requests will be dealt with under our policies for sharing data, in line with current legislation. In extreme cases, the Pre-School reserves the right to refuse requests, but will provide detailed reasoning for the refusal. The Pre-School reserves the right to charge reasonable costs for providing the data.

The Pre-School is committed to openness and transparency, and makes all policies, as well as any other key information, readily available on the Pre-School website www.seergreenpreschool.co.uk.

Legal framework

- General Data Protection Regulation (GDPR) (2016) and the Data Protection Act (2018)
- The Freedom of Information Act 2000
- Human Rights Act 1998

Further guidance

- Information Sharing: Practitioners' Guide (2015)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.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:

2006 created

2011, 2012, 2013, 2014, 2015, 2016 reviewed and updated as required

July-Nov 2017 reviewed and updated

June-July 2018 reviewed and updated

May 2019 reviewed

June 2020 reviewed

June 2021 reviewed and updated