

STANDARD 10 – INFORMATION AND RECORDS



EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 Keeping safe	2.1 Respecting each other 2.2 Parents as partners	3.4 The wider context	

Standard 10.9– Confidentiality and client access to records

Policy statement:

‘Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case.’

Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents, and carers (HMG 2018)

Working with children and families will sometimes bring us into contact with confidential information. 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, while ensuring that they access high quality early years’ care and education in our setting. We aim to ensure that all parents 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 Regulations (2018), Data Protection Act (2018) and the Human Rights Act (1998).

Parents will have ready access to the files and records of their own children but will not have access to information about any other child;

Confidentiality procedures

- We always check whether parents regard the information they share with us to be confidential or not.
- Most things that happen between the family, the child and the setting are confidential to our setting. In exceptional circumstances information is shared, for example with other professionals or possibly social care or the police.
- Information shared with other agencies is done in line with our Information Sharing Policy.
- Some parents share information about themselves with other parents as well as staff; the settings 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 Children’s records and Privacy Notice)) - 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
- As a service provider, any family that is registered with us will be required to fill in forms that will hold some confidential information. These documents will be fully respected always and will not be shared with those whom it does not concern. We keep all records securely locked in the cupboard
- We keep all records securely (see our Children’s Records Policy and Privacy Notice).
- Most information is kept in a manual file or electronically. However, our staff may also use a computer to type reports, or letters. Where this is the case, the typed document is deleted from the PC and only the hard copy kept.

We do not keep electronic records on children, other than the register, financial data and Tapestry (see Tapestry policy)

- Where it is helpful to keep an electronic copy, we store it securely on our systems.
- Our staff discuss children's general progress and well-being together in meetings, but more sensitive information is restricted to our Manager and the child's key person, and is shared with other staff on a need to know basis.
- We do not discuss children with staff who are not involved in the child's care, nor with other parents or anyone else outside of the setting.
- Our discussions with other professionals take place within a professional framework and not on an informal or ad-hoc basis.
- Where third parties share information about an individual with us; our practitioners and Managers check if it is confidential, both in terms of the party sharing the information and of the person whom the information concerns.
- Parents will not share information learned about the children (other than their own) whilst in the setting, with any other person
- All personal records and photographs, when no longer required, will be shredded
- Staff will not discuss individual children, other than for purposes of curriculum planning/group management, with people other than the parents/carer of that child, unless it is to safeguard a child from immediate danger.
- Information given by parents/carers to the Manager, keyperson or other member of staff will not be passed on to other adults without permission;
- Issues to do with employment of staff, whether paid or voluntary, will remain confidential to the people directly involved with making personnel decisions;
- Any anxieties/evidence relating to a child's personal safety will be kept in a confidential file and will not be shared within the group except with the child's key worker/supervisor and the chairperson/owner.
- Students participating in training and undertaking observation/practical tasks with children will be made aware of our confidentiality policy and required to respect it.
- Where individual children are being observed by students for case studies, as part of their course work, direct permission must be sought from parents, particularly when background/family details will be part of the case study.
- When discussing Safeguarding issues staff must adhere to the Safeguarding Policy; staff must ensure they are familiar with this policy and procedure.
- When discussing a child or family staff must ensure that the conversation happens in an appropriate place and in a sensitive manner

Social Networking procedures

- The Preschool parents have their own Facebook page which is a closed group for staff, parents, and other permitted members.
- We ask that parents do not communicate anything relating to the Preschool on social networking sites as this could have a detrimental effect on the setting.
- Any staff member found to have posted anything relating to the Preschool on a social networking site will be subject to our disciplinary procedures.
- We request that Staff DO NOT 'friend' parents on Facebook or other social networking sites.

Client access to records procedures

Parents may request access to any confidential records we hold on their child and family following the procedure below:

- The parent is the 'subject' of the file in the case where a child is too young to give 'informed consent' and has a right to see information that our setting has compiled on them.
- 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.
- We acknowledge the request in writing, informing the parent that an arrangement will be made for him/her to see the file contents, subject to third party consent.
- Our written acknowledgement allows 40 working days for the file to be made ready.

- A fee of £10 may be charged for repeated requests, or where a request requires excessive administration to fulfil.
- Our Manager informs the Chairperson and legal advice may be sought before sharing a file.
- Our Manager goes through the file with the Chairperson and ensures that all documents have been filed correctly, that entries are in date order and that there are no missing pages. They note any information, entry or correspondence or other document which mentions a third party.
- We write to each of those individuals explaining that the subject has requested sight of the file, which contains a reference to them, stating what this is.
- They are asked to reply in writing to our Manager giving or refusing consent for disclosure of that material.
- We keep copies of these letters and their replies on the child's file.
- 'Third parties' include each family member noted on the file; so, where there are separate entries pertaining to each parent, step parent, grandparent etc., we write to each of them to request third party consent.
- Third parties also include workers from any other agency, including children's social care and the health authority for example. Agencies will normally refuse consent to share information, preferring instead for the parent to be redirected to those agencies for a request to see their file held by that agency.
- Members of our staff should also be written to, but we reserve the right under the legislation to override a refusal for consent or to just delete the name of the staff member and not the information. We may grant refusal if the member of staff has provided information that could be considered 'sensitive' and the staff member may be in danger if that information is disclosed; or if that information is the basis of a police investigation. However, if the information is not sensitive, then it is not in our interest to withhold that information from a parent. In each case this should be discussed with members of staff and decisions recorded.
- When we have received all the consents/refusals our Manager takes a photocopy of the complete file. On the copy of the file, our Manager removes any information that a third party has refused consent for us to disclose and blank out any references to the third party, and any information they have added to the file, using a thick marker pen.
- The copy file is then checked by the Chairperson and legal advisors to verify that the file has been prepared appropriately.
- 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'.
- We photocopy the 'clean copy' again and collate it for the parent to see.
- Our Manager informs the parent that the file is now ready and invites him/ her to make an appointment to view it.
- Our Manager and the Chairperson meet with the parent to go through the file, explaining the process as well as what the content of the file records about the child and the work that has been done. Only the person(s) with parental responsibility can attend that meeting, or the parent's legal representative or interpreter.
- The parent may take a copy of the prepared file; but, to ensure it is properly explained to and understood by the parent, we never hand it over without discussion.
- It is an offence to remove material that is controversial or to rewrite records to make them more acceptable. Our recording procedures and guidelines ensure that the material reflects an accurate and non-judgemental account of the work we have done with the family.
- If a parent feels aggrieved about any entry in the file, or the resulting outcome, then we refer the parent to our complaints procedure.
- The law requires that the information we hold must be held for a legitimate reason and must be accurate. If a parent says that the information we hold is inaccurate, then the parent has a right to request for it to be changed. However, this only pertains to factual inaccuracies. Where the disputed entry is a matter of opinion, professional judgement, or represents a different view of the matter than that held by the parent, we retain the right not to change that entry, but we can record the parent's view of the matter. In most cases, we would have given a parent the opportunity at the time to state their side of the matter, and it would have been recorded there and then.
- If there are any controversial aspects of the content of a child's file, we must seek legal advice. This might be where there is a court case between parents, where social care or the police may be considering legal action, or where a case has already completed and an appeal process is underway.

- We never ‘under-record’ for fear of the parent seeing, nor do we make ‘personal notes’ elsewhere.

Telephone advice regarding general queries may be made to The Information Commissioner’s Office Helpline 0303 123 1113.

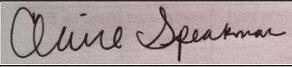
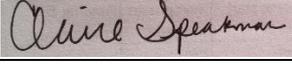
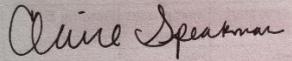
All the undertakings above are subject to the paramount commitment of our setting, which is to the safety and well-being of the child. Please see also our policy on Safeguarding Children and Child Protection

Telephone calls

- If someone telephones and asks for information regarding a child, the call will be referred to the Manager/Deputy.
- If the Manager/deputy is unavailable i.e. working with the children or offsite the staff member will take a name (first and surname), phone number and a message.
- We will not share any information about any child in our setting unless they are a professional known to us and as a setting we are already working with them.

Legal framework

- General Data Protection Regulations (GDPR) (2018)
- Data Protection Act (2018)
- Human Rights Act (1998)

This policy was adopted by	Horsted Keynes Preschool
On	1 st October 2016
Reviewed 1 st Oct 2017	 
Reviewed 1 st Oct 2018	 
Reviewed 1 st Oct 2019	
Reviewed 1 st Oct 2020	
Reviewed 1 st Oct 2021	
Reviewed 1 st Oct 2022	
Signed on behalf of the provider	
Name of signatory & Role of signatory	Clare Humphreys Manager
Countersigned by Chair of committee	
Name of Counter signatory	Claire Speakman