



Starlings Preschool Confidentiality Policy

Statement of intent

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.

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.

We meet the requirements of the Human Rights Act 1998 with regard to protecting the individual's right to a private and family life, home and correspondence. Our only justification to interfering with this right is where we believe that a child may be at risk of significant harm, to prevent a crime or disorder.

We meet the requirements of the Data Protection Act 1998 and the General Data Protection Regulations 2018 with regard to the information we gather from or about families; how we gather it, store and use it. Our procedures enable us to meet these requirements.

We have regard to the common Law Duty of Confidentiality and only share information with other agencies or professionals on a 'need to know' basis, with consent from parents, or without their consent in specified circumstances to do with safeguarding children.

Method

We keep two kinds of records on children attending our setting:

Development records

These are in the form of online learning journeys using the system 'Tapestry'. This includes observations which are then linked to the Early Years Foundation Stage profile and photographs or videos. Parents have access to these records from their own devices at home while their children attend the pre-school. Parents may also add their own photographs or observations to the learning journeys. Once a term we print tapestry for the child's individual own journal and this will be handed to the parents when they leave the setting. Written

records are in the form of progress reports which summarise the children's development, these are shared with parents.

Staff have access to the Tapestry system at home to update their key children's files, however they must sign a written agreement to agree to use the system appropriately and maintain confidentiality at all times. Consent must be gained from the children's parents/carers before any of the Tapestry files are accessed by staff at home. Parents are asked for written permission when filling out initial paperwork - admissions form.

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 on-going record of relevant contact with parents; and observations by staff on any confidential matter involving the child, such as developmental concerns or child protection matters.

All confidential records are stored in a lockable box and are kept secure by the manager in the office.

Parents have access, in accordance with the access to records procedure, to the files 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 of the child's needs. Staff induction includes an awareness of the importance of confidentiality in the role of the key person.

Information sharing

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
- When it is not clear if there is 'reasonable cause to believe' a child is or may be suffering significant harm
- There are concerns about serious harm to adults (such as domestic violence or other matters affecting the welfare of parents)
- We explain to families about our duty to share information for the above reasons
- Where we have concerns as above, we would normally gain consent from families to share. This does not have to be in writing, but we record in the child's files 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 had cause to believe a parent may try to cover up abuse, or threaten a child.
- Where evidence to support our concerns is not clear we may seek advice from our local social care agency or the NSPCC.
- We only share relevant information that is accurate, factual, non-judgemental and up-to-date.

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 undertaking recognised qualifications and training, when they are observing in the setting, are advised of our confidentiality policy and are required to respect it. All students must sign a confidentiality form when starting a placement within the pre-school.

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 paternal responsibility must be made in writing to the setting leader or manager.
- The manager informs the chairperson of the management committee and sends a written acknowledgment.
- The setting commits to providing access within 14 days - although this may be extended.
- The manager and 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 in the file.
- 'Third parties' include all family members who may be referred to in the records.
- It also includes 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 of 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 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 pen to score through every reference to the third party and the 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 with the setting 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 also see our policy on safeguarding children and child protection.

This policy was adopted at a meeting of Starlings Pre-school (name of provider)

Held on _____ (date)

Date to be reviewed _____ (date)

Signed on behalf of the provider _____

Name of signatory _____

Role of signatory (e.g. chair, director or owner) _____

REVIEWED/UPDATED 20TH FEBRUARY 2020