



## **Confidentiality and client access to records**

### **Policy statement**

Definition: 'Confidential information is information that is not normally in the public domain or readily available from another source, it should have a degree of sensitivity and value and be subject to a duty of confidence. A duty of confidence arises when one person provides information to another in circumstances where it is reasonable to expect that the information will be held in confidence.' (Information Sharing: Guidance for Practitioners and Managers (DCSF 2008))

Southwell Smiley Faces 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 and carers, while ensuring that they access high quality early years care and education in Southwell Smiley Faces. 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 and the Human Rights Act.

### **Confidentiality procedures**

- Southwell Smiley Faces always check whether parents regard the information they share with us to be regarded as confidential or not.
- Some parents sometimes share information about themselves with other parents as well as staff; Southwell Smiley Faces 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.
- Southwell Smiley Faces inform parents when we need to record confidential information beyond the general personal information Southwell Smiley Faces keep (see our record keeping procedures) - 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.
- Southwell Smiley Faces keep all records securely (see our record keeping procedures).

### **Client 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 Southwell Smiley Faces manager-Jenny whyton.
- The Southwell Smiley Faces manager informs the chairperson of the management committee and sends a written acknowledgement.
- Southwell Smile Faces commits to providing access within 14 days, although this may be extended.
- Southwell Smiley Faces 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 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.

- Southwell Smiley Faces 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, to score through every reference to the third party and information they have added to the file.
- What remains is the information recorded by Southwell Smiley Faces, 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 Southwell Smiley Faces 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 Southwell Smiley Faces or another (third party) agency.

All the undertakings above are subject to the paramount commitment of Southwell Smiley Faces, which is to the safety and well-being of the child. Please see also our policy on child protection.

The following policies support the Confidentiality and Client Access to Records:

Information Sharing

Working in Partnership with Other Agencies

Children's Records

Provider Records

**This policy is applicable to both Pre-School and Out of School Club**

### **Legal framework**

- Data Protection Act 1998
- Human Rights Act 1998

### **Further guidance**

- Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)