

Confidentiality

Information Sharing, Confidentiality and Client Access to Records

Information Sharing

Policy statement

We recognise that parents have a right to know that information they share will be regarded as confidential as well as be informed about the circumstances, and reasons, when we are obliged to share information.

We are obliged to share confidential information without authorisation from the person who provided it or to whom it relates if it is in the public interest. That is when:

- It is to prevent a crime from being committed or intervene where one may have been, or to prevent harm to a child or adult; or
- Not sharing it could be worse than the outcome of having shared it.

The decision should never be made as an individual, but with the back-up of management committee officers. The three critical criteria are:

- Where there is *evidence* that the child is suffering, or is at risk of suffering, significant harm.
- Where there is *reasonable cause to believe* that a child may be suffering, or at risk of suffering, significant harm.
- To *prevent* significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime.

Procedures

- Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately. Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for, shared only with those who need to know and shared securely.

- Be open and honest. Explain to families how, when and why information will be shared about them and with whom. Obtain written consent to share information, unless it puts the child at risk or undermines a criminal investigation.
- In our playgroup we ensure parents receive our Child Protection Statement and they sign a form to say that they understand circumstances when information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult.
- Seek advice when there are doubts about possible significant harm to a child or others.
- In our playgroup we record concerns and discuss these with the setting's *designated person* and/or *designated officer* from the management committee for child protection matters. Record decisions made and the reasons why information will be shared and to whom; and
- Follow the procedures for reporting concerns and record keeping.
- Parents are asked to give written consent to share information about any additional needs their child may have, or to pass on when necessary child development summaries, to the next provider/school.

Confidentiality and Client Access to Records

Policy statement

In our playgroup 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 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 and the Human Rights Act.

Confidentiality Procedures

- We regard all information as confidential.
- 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.
- We inform parents when we need to record confidential information beyond the general personal information we keep - 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.

Client Access to Records

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 can be made verbally.
- The setting commits to providing access within 7 days, although this may be extended.

As well as the above procedures, in cases of Child Protection, the following may also apply:

- Any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to the playgroup manager.
- The setting's management will 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.
- 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.

Legal framework

- Data Protection Act 1998
- Human Rights Act 1998

This policy was adopted at a meeting of

Shaw Ridge Playgroup

name of setting

Held on

_____ (date)

Date to be reviewed

_____ (date)

Signed on behalf of the management committee

Name of signatory

Role of signatory (e.g. chair/owner)

Chairperson
