



Safeguarding Children

Confidentiality and Client Access to Records

Policy statement

Under the General Data Protection Regulations there are additional rights granted to data subjects which must be protected by Cricklade Pre-School Playgroup.

Cricklade Pre-School 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 Pre-School. 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 Regulations (2018) and the Human Rights Act.

Confidentiality procedures

- We check whether parents regard the information they share with us to be regarded as confidential or not. We will regard information given on the registration documents 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.
- 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 our record keeping procedures 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.
- We keep all records securely.

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 the Pre-School manager.
- The Pre-School manager informs the chairperson of the management committee and sends a written acknowledgement.
- The Pre-School's written acknowledgement allows one month for the file to be made ready and available. We will be able to extend this by a further two months where requests are

- complex or numerous. If this is the case, we will inform you within one month of the receipt of the request and explain why the extension is necessary.
- A fee may be charged for repeated requests, or where a request requires excessive administration to fulfil.
- The Pre-School 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.
- The Pre-School 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 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 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 Pre-school or another (third party) agency.
- The law requires that the information Cricklade Pre-School Playgroup hold must be held for a legitimate reason and must be accurate (see our Privacy Notice). 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.

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

Legal framework

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

Further guidance

The Information Commissioner's Office www.ico.gov.uk/ or helpline 0303 123 1113.