



Confidentiality and Client Access to Records Policy

At St Marks Pre-school, practitioners can be said to have a 'confidential relationship' with families. It is the pre-school's intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality early years care and education. The pre-school aims 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. The pre-school has record-keeping systems in place that meet legal requirements; this means that the systems used to store and share information adhere to the General Data Protection Regulations (2018) and the Human Rights Act (1998).

Confidentiality procedures

- Most information shared between the family, the child and the setting is confidential to the pre-school. In exceptional circumstances this information is shared, for example with social care or the police.
- Information is shared with other agencies in line with the pre-school's Information Sharing Policy.
- The pre-school will always check whether parents regard the information they share to be confidential or not.
- Some parents may share information about themselves with other parents as well as with pre-school practitioners; the pre-school cannot be held responsible if information is shared by other parents whom the parent has confided in.
- The pre-school will inform parents when there is a need to record confidential information beyond the general personal information the pre-school keeps (see our Maintenance, Storage and Transfer of Records Policy 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 the pre-school is obliged to keep regarding action taken in respect of child protection and any contact and correspondence with external agencies in relation to their child.
- The pre-school keeps all records securely (see our Maintenance, Storage and Transfer of Records Policy and Privacy Notice).
- Information may be kept in a manual file or electronically. Practitioners may use a laptop to type reports or letters which are then stored securely on Google Cloud.

- Where the pre-school keeps an electronic copy, this is labelled with the child's name and kept in a secure file on Google Cloud. Any hard copies of documents are stored securely in the pre-school office.
- St Marks Pre-school practitioners discuss children's general progress and wellbeing together in meetings, but more sensitive information is restricted to the Pre-school Manager and the child's Key Person, and is shared with other staff on a need to know basis.
- The pre-school does not discuss children with practitioners who are not involved in the child's care, nor with other parents or anyone else outside of the setting.
- Any 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, the Pre-school Manager and practitioners check if it is confidential, both in terms of the party sharing the information and the person whom the information concerns.

Client access to records procedures

Parents may request access to any confidential records the pre-school holds 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 St Marks Pre-school 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 Committee Chair.
- The pre-school will acknowledge the request in writing, informing the parent that an arrangement will be made for them to see the file contents, subject to any third-party consent.
- The pre-school's written acknowledgement allows 40 working days for the file to be made ready.
- A fee may be charged for repeated requests, or where a request requires excessive administration to fulfil.
- Legal advice may be sought before sharing a file.
- The Committee Chair and Pre-school Manager will go through the file to ensure that all documents have been filed correctly, that entries are in date order and that there are no missing pages. A note will be made of any information, entry or correspondence or other document that mentions a third party.
- The pre-school will write to each of those individuals explaining that the subject has requested sight of the file that contains a reference to them.
- Third parties are asked to reply in writing to the Committee Chair, giving or refusing consent for disclosure of that material.
- The pre-school will 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. the pre-school will 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 the practitioner team should also be written to, but the pre-school reserves the right under the legislation to override a refusal for consent or to just delete the name of the practitioner and not the information. The pre-school may grant refusal if the member of the practitioner team has provided information that could be considered 'sensitive' and the practitioner 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 the pre-school's interest to withhold that information from a parent. In each case this should be discussed with members of the practitioner team and decisions recorded.
- When the pre-school has received all the consents/refusals, the Pre-school Manager will take a photocopy of the complete file. On the copy of the file, the Pre-school Manager will remove any information that a third party has refused consent 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 Committee Chair 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 it in relation to confidential matters. This is called the 'clean copy'.
- The pre-school will photocopy the 'clean copy' again and collate it for the parent to see.
- The Pre-school Manager will inform the parent that the file is now ready and invite them to make an appointment to view it.
- The Committee Chair and the Pre-school Manager will 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 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 away; but, to ensure it is properly explained to and understood by the parent, the pre-school will 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. The pre-school recording procedures and guidelines ensure that the material reflects an accurate and non-judgemental account of the work the pre-school has done with the family.
- If a parent feels aggrieved about any entry in the file, or the resulting outcome, then the Pre-school Manager will refer the parent to the pre-school complaints procedure.
- The law requires that the information the pre-school holds must be held for a legitimate reason and must be accurate. If a parent says that the information held is inaccurate, then

the parent has the 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, the pre-school retains the right not to change that entry, but the pre-school can record the parent's view of the matter. In most cases, the pre-school 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, the pre-school 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 been completed and an appeal process is underway.
- The pre-school never 'under-records' for fear of the parent seeing, nor does the pre-school 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 St Marks Pre-school, which is to the safety and well-being of the child.

This policy was adopted at a meeting of the pre-school held on (date)

Signed on behalf of the pre-school

Also see: Code of Conduct
Information Sharing
Parental Involvement

Making a Complaint
Maintenance, Storage and Transfer of Records
Safeguarding
E-Safety