

Tickton Pre-school and Play Pals Confidentiality Policy (information sharing and client access to records).



Tickton Pre-school and Play Pals,
Confidentiality Policy.

(Information Sharing and Client Access to Records).

Working in conjunction with the Early Years Foundation Stage Statutory Framework (EYFS).

Quality and Consistency.

A Secure Foundation.

Partnership Working.

Equality of Opportunity.

Unique Child

Positive Partnerships

Enabling Environment

Learning and Developing

EYFS

Safeguarding children.

The setting will comply with all requirements of the Data Protection Act.

Childcare Act 2006

Safeguarding Vulnerable Groups Act 2006

Working Together to Safeguard Children.

This policy represents the agreed principles for confidentiality throughout the Pre-school. All setting staff and volunteers, representing Tickton Pre-school and Play Pals must agree to this policy.

Tickton Pre-school and Play Pals works with many children and families and sometimes will be in contact with confidential information.

Ensuring that children and young people are kept safe is vital. Where information sharing is necessary to achieve this objective, it is important that practitioners have a clear understanding of when information can be shared. It is also for them to understand the circumstances of when sharing is inappropriate.

We will respect confidentiality in the following ways:

- Parent will have ready access to the files and records of their own children but will not have access to information about any other child.
- Issues to do with the employment of staff whether paid or unpaid, will remain confidential to the people directly involved with making personnel decisions.
- Staff will not discuss the individual children, other than for purposes of curriculum planning/group management, with people other than the parent/carers of the child.
- Students on work experience or other recognised courses observing in Tickton Pre-school and Play Pals will be advised of our confidentiality policy and required to respect it.
- All the undertaking above is subject to the paramount commitment of the setting as is the safety and wellbeing of the child. Please see our Child Protection Policy.

The Data Protection Act is not a barrier to sharing information but is in place to ensure that personal information is shared appropriately.

At Tickton Pre-school and Play Pals 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 registered with the ICO (information commissioner's office). – Data protection.

Definition: *'Confidential information is information of some sensitivity, which is not already lawfully in the public domain or readily available from another public source, and which has been shared in a relationship where the person giving the information understood it would not be shared with others.'* (Information Sharing: Practitioners' Guide).

At Tickton Pre-school and Play Pals, 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

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Confidentiality Procedures

- We always check whether parents regard the information they share with us to be regarded as confidential or not. We ask parents if we can share information as appropriate (for example; developmental information regarding their child).
- 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) - 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.

Information Sharing between Pre-school & Play Pals with Tickton Primary School - (This information has been produced jointly between Play Pals and Tickton Primary School).

- Play Pals staff will inform the school of information from parents as requested however this is the responsibility of the parent to also inform the school.
- Information from school to parents will be put in their school bags or left at the office for the Play Pals co-ordinator to collect (this included accident/incident forms).
- Play Pals staff and school staff will inform each other if a child's behaviour has been 'difficult' as this will help support the child's needs as required. Information must be passed onto child's parents respectively.
- If a parent reports any new information to us as a setting e.g. medical/ emotional difficulties we will ask if this information has been shared with the school and suggest they do so. WE WILL NOT pass the information on unless at the request of a parent (excluding safeguarding information).
- **Information that you feel is relevant to the school must be discussed with the manager who will decide if the information needs to be shared.**

Partnership working with the local primary school is essential and key in supporting the children who attend both settings.

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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

Our procedure is based on the 15 Points for Good Practice as set out in Information Sharing: Practitioners' Guide (HMG 2006)

- 1) Explain to families how, when and why information will be shared about them and with whom. That consent is normally obtained, unless it puts the child at risk or undermines a criminal investigation.
- 2) We ensure parents receive information about our information sharing policy when starting their child in the centre 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. This is on our registration form.
- 3) We ensure parents have information about our Safeguarding Children and Child Protection policy.
- 4) We ensure parents have information about the circumstances when information will be shared with external agencies for example with regard to any special needs the child may have or transition to school.
- 5) Consider the safety and welfare of the child when making a decision about sharing information – if there are concerns regarding 'significant harm' the child's well being and safety is paramount.
- 6) 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.

- 7) We follow the procedures for reporting concerns and record keeping.
- 8) Respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, we are able to judge when it is reasonable to override their wish.
- 9) Guidelines for consent are part of this procedure.
- 10) Managers are conversant with this and are able to advise staff accordingly.
- 11) Seek advice when there are doubts about possible significant harm to a child or others.
- 12) Managers contact children's social care for advice where they have doubts or are unsure.
- 13) Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for and shared only with those who need to know and shared securely.
- 14) Our Safeguarding Children and Child Protection procedure and record keeping procedures set out how and where information should be recorded and what information should be shared with another agency when making a referral.
- 15) Reasons for decisions to share information, or not, are recorded.

Consent

Parents have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent overridden.

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- We may cover this verbally when the child starts or include this in our prospectus.
- Parents sign a form at registration to say they understand this.
- Parents are asked to give written consent to share information about any additional needs their child may have, or to pass on child development summaries to the next provider/school.
- We consider the following questions:
 - Is there legitimate purpose to sharing the information?
 - Does the information enable the person to be identified?
 - Is the information confidential?
 - If the information is confidential, do you have consent to share?
 - Is there a statutory duty or court order to share information?
 - If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
 - If the decision is to share, are you sharing the right information in the right way?
 - Have you properly recorded your decision?

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 Safeguarding Children and Child Protection policy.

Client access to records procedures

Parents may request access to any confidential records held on their child and family (unless a court order or safeguarding request has been received by the setting)

When a refusals to disclose have been received this is attached to the child's file and profile. 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 see also our policy on child protection.

'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.

The Data Protection Act

The Data Protection Act controls how your personal information is used by organisations, businesses or the government.

Everyone who is responsible for using data has to follow strict rules called 'data protection principles'. They must make sure the information is:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure
- not transferred outside the UK without adequate protection

Legal Framework

Data Protection Act (DPA)

ICO (information commissioner's office).

Freedom of Information Act 2000

Human Rights Act 1998

Childcare Act 2006

Statutory Framework for the Early Years Foundation Stage.

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