



# **Greenshoots Preschool and** **Wraparound Care**

## **Confidentiality** **And** **Client Access to** **Records**

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**For the benefit of this policy Laura Green Trust – which is the governing body of Greenshoots Pre-school and Wraparound care is hereafter referred to as Greenshoots.**

**Safeguarding and Welfare Requirements: *Information and Records:***

Confidential information about Staff and Children must be held securely and only be accessible and available to those who have a right or professional need to see them.

**Definition:**

‘Confidential information is information that is not already 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 information to be held in confidence.’

*Information Sharing: Guide for Practitioners and Managers (DCSF 2008)*

At Greenshoots Preschool, our practitioners can be said to have a ‘confidential relationship’ with families. It is the Preschool’s intention to respect the privacy of children, their parents and carers, while ensuring they can access high quality early years care and education in our setting.

We aim to ensure all parents and carers can share their information in the confidence that will only be used to ensure the welfare of their children.

We have record keeping systems in place that meet legal requirements; the means that we use to store and share that information takes place within the framework of the Data Protection Act (2018) General Data Protection Regulations (GDPR), the Human rights Act (1998) and adheres to information sharing protocols.

**Confidentiality Procedures:**

- We adhere on the side of caution and will check with parents/carers to confirm whether the information they share with us is to be regarded as confidential or not.
- Most things that happen between the child, parents/carers and the setting are confidential to our setting. In exceptional circumstances, information is shared with other professionals, the Children, Young People and Families Department or the Police.
- Information shared with other agencies is done in line with our Information Sharing Policy.
- Some parents may voluntarily share information about themselves with other parents and occasionally with our staff. We cannot be held responsible if information is shared by those parents with whom the person has 'confided' in.
- Information shared between parents during a discussion or in a training group is usually bound to a shared agreement that the information shared is confidential to the group and not shared outside of it. We are not responsible should that confidentiality be breached by participants.
- We inform parents/carers when we need to record information beyond the general personal information we keep (see record keeping procedures). For example: with regard to any injuries, concerns or changes in relation to the child and the family; any discussions with parents/carers regarding sensitive matters; any records we are obliged to keep regarding action taken in respect of Child Protection and any contact or correspondence with external agencies in relation to their child.
- We keep all records securely (see record keeping procedures).
- The preschool holds all records safely and securely and where electronic information is held, printed, or stored, access to these are password protected and has limited access to staff. All retained information is stored in line with the GDPR guidelines.
- Greenshoots staff will discuss children's progress and general well being in team meetings, but more sensitive information regarding a child is restricted to the Manager(s) of the setting and the child's key person. Information is shared with other staff on a need to know basis.
- We do not discuss children with staff who are not involved in the child's care, nor with other parents or anyone else outside of the setting.
- Our discussions with other professionals regarding a child take place within a professional framework and not in an informal or ad-hoc basis.
- Where third parties may share information about us; our practitioners and Manager(s) check 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/carers may request access to any records we hold on their child and family by following the procedures below.

With regards to the GDPR updates, if a parent/carer wishes to see his/her own information the matter will be treated as a subject access request under Data Protection legislation (Section 40 (1) *Freedom of Information Act*)

Should a parent/carer ever request information regarding other people, we will consider this request to be unfair and an unlawful necessity and would be absolutely exempt from disclosure (Section 40 (2) and Section 40 (3A) *Freedom of Information Act*)

If the information being requested is third party personal data and wouldn't be disclosed to the data subject themselves, because of an exemption from the right of subject access under GDPR/ Data Protection Act 2018, it need not be disclosed in consequence of a request under the Freedom of Information Act.

- 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 our setting has compiled regarding them, unless that information pertains to ensuring the safety and well being of the child, in regards to Child Protection protocols.
- Any request to see the child's personal file by a parent or anyone with parental responsibility must be made in writing to the Greenshoots Manager(s). The Manager(s) will then inform the Chair of Laura Green Trust.
- We will acknowledge the request in writing, informing the parents/carers that an arrangement will be made for them to see the file contents, subject to third party consent.
- Greenshoots commits to providing access within 14 days, although this may be extended.
- If the request is accepted, the Manager(s) of the setting and the Chair of the Trust will prepare the file ready for viewing.
- All third parties are written to, stating that a request for disclosure has been received and asking their 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 file.
- It also includes employees from any other agency, including the Children, Young People's and Families Department, the Health authority etc. It is usual for agencies to refuse consent to disclose, preferring the individual go to them.
- When all consents/refusals to disclose have been received, they are then attached to the copy of the letter request.
- A photocopy of the complete file is then taken.
- Members of our staff should also be written to, but we reserve the right under the legislation to override the refusal for consent or just to delete the name of the staff member and not the information. We may grant refusal if the member of staff has provided information that is considered 'sensitive' and the staff member may be in danger if the information is disclosed; or if that information is the basis of a police investigation. However, if that information is not sensitive, then it is not in our interest to withhold that information from a parent/carer. In each case this will be discussed with the Manager(s) and the relevant staff members and decisions recorded.
- Greenshoots Manager(s) and the Chair of the Trust will then go through the file and remove anything the third party has refused consent to disclose. This is best done with a thick black marker to strike through every reference to the third party and the 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 then checked to verify the file has been prepared appropriately and is then photocopied for the parents who are then invited to make an appointment to discuss the contents. The file should never be given straight over, but should be gone through with the Greenshoots Manager(s), so it can be explained.
- Only the person(s) with parental responsibility can attend the meeting, or the parent's legal representative or an interpreter.
- It is an offence to remove material that is controversial or to rewrite records to make them seem more 'acceptable'. Our recording procedures and guidelines ensure the material reflects an accurate and non-judgemental account of the work we have done with the family.
- If a parent feels aggrieved about any entry in the file, or the resulting outcome, then we refer the parent to our Complaints Procedure.
- 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.
- The law requires that the information we hold must be accurate. If a parent says the information we hold 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, we retain the right to not change that entry, but we can record the parents view of the matter. In most cases, we would have given the parent the opportunity at the time to state their side of the matter, and it would have been recorded at the moment.
- If there are any controversial aspects of the contents of the child's file, we must seek legal advice. This might be when there is a court case between parents, where the Children, Young People's and Families Department or the Police may be considering legal action, or where a case has already completed and an appeal case is underway.
- We never 'under record' for fear of the parent seeing, nor do we make 'personal notes' elsewhere.

### **Record Keeping Procedures:**

#### *Provider records:*

'Providers must maintain records, policies and procedures required for the safe and efficient management of the setting and to meet the needs of the children.'

We keep records for the purpose of maintaining our business. These include:

- Records pertaining to our registration
- Landlord/lease documents and other contractual documentation pertaining to amenities, services and goods
- Financial records pertaining to income and expenditure
- Risk assessments
- Employment records of staff

Our records are regarded as confidential on the basis of sensitivity of information, such as with regard to employment records and these are maintained with regard to the framework of the Data Protection Act (2018) and the Human Rights Act (1998).

This part of the policy supports this Confidentiality and Client Access to Records policy and the Information Sharing policy.

Procedures:

- All records are the responsibility of the Lair Green Trust who ensure they are kept securely.
- All records are kept in an orderly way in files and files are kept up to date.
- Financial records are kept up to date for audit purposes.
- Health and safety records are maintained; these include risk assessments, details of checks or inspections guidance etc.
- Our Ofsted registration certificate is displayed.
- Our public liability insurance certificate is displayed.
- All our employment and staff records are kept securely and confidentially.

**Useful Information:**

Telephone advice regarding general enquiries may be made to the Information Commissioner's Office Helpline on: 0303 123 1113

All the undertakings above are subject to the paramount commitment of Greenshoots Preschool, which is to the safety and the well being of the child.  
If you seek further advice, please see our policy on Safeguarding and Child Protection.

Legal framework:

- Data Protection Act 1998
- Human Rights Act 1998

**Greenshoots Confidentiality and Client Access to Records Policy**

On (date),

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I,

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*Read and understood this Confidentiality and Client Access to Records Policy.*

*If I am unsure about anything at anytime, I understand it is my duty and responsibility to ask my Manager(s) for assistance.*

***Signed***

This policy was adopted on :

Signed on behalf of Laira GreenTrust - Greenshoots Pre-school and Wraparound Care

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Chairperson, Laira Green Trust:

Greenshoots Manager (Strategy and Support):

