



Confidentiality and client access to records

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)

In our setting, 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.

All staff, managers, students and volunteers sign to show their agreement to uphold this policy at all times and are aware that legal proceedings may take place if failure to do so.

EMPLOYEES

While you're working with 4KIDZ CHILDCARE you may, from time to time, have access to and be entrusted with confidential information belonging to 4KIDZ CHILDCARE, their families and/or related professional agencies. This includes information relating to the company's business development, business methods, costing information, policies and practices, names of families and professional agencies, terms of business, expenditure levels, management accounts and other matters.

During your employment you must not (except in carrying out your usual duties) or thereafter without prior written consent of or under order of a competent court:

- a) Divulge to any person including people within the company unless authorised
- or**
- b) make use, for your own benefit or for the benefit of any third party,
- and**
- c) Shall, during your employment use your best endeavours to prevent the publication or disclosure of any of the confidential information of 4KIDZ CHILDCARE or any member of the company or their respective customers or suppliers which may have come to your knowledge during your employment. This restriction will cease to apply to information or knowledge, which after your employment has ended has come into the public domain.

You are not permitted to make any statement to the media or any other outside body concerning your job or an incident which occurs during the course of your duties, either during your employment or any time thereafter. You are not permitted to write, broadcast or publish information concerning the company or its families or provide any information to any third party for such purposes. You are not permitted to make use of your employment for the purpose of authorship, journalism or similar pursuit, gratuitously or for reward, neither may information concerning incidents within the company be given to the media.

When your employment ends you must surrender, without keeping copies, all original and copy materials, equipment, documents, computer programmes and property belonging to the company, any member of the Group or their customers or suppliers (as appropriate) or received or obtained by you in connection with your employment and which may be in your possession or under your control.

For further details please refer to Confidentiality and client access to records and Whistleblowing

Reviewed by:

Date:

Confidentiality procedure

- We always check whether parents regard the information they share with us to be regarded as confidential or not.
- 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 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 with external agencies in relation to their child.

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 manager.
- The setting commits to providing access within 5 days although this may be extended.
- The setting's manager 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.
- The manager will 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 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 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 Safeguarding.
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Legal framework

Data Protection Act 1998 Human Rights Act 1998